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**The European Union as a normative non-proliferation actor:  
"Normative Power Europe" and the case of India**

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## **Abstract**

In the recent years, the EU has become an increasingly integrated foreign policy actor. On this note, a growing body of scholarly research on the EU's foreign policy actions can be observed. Particularly Ian Manners' notion of 'Normative Power Europe' has led to a new strand of theorising on the EU's foreign policy actions. Manners states that while the EU is one foreign policy actor among others, it is not only very different in its institutional arrangement, but also does it account for different foreign policy goals than traditional state actors. The EU namely pursues 'normative goals' which aim to alter the international political environment, instead of economically defined 'possession goals'. Due to the fact that Manners utilises case-study methodology in order to prove the concept of 'Normative Power Europe', further case studies in various foreign policy fields lend themselves to verify or falsify the theoretical claims around the concept. In accordance to this, the research of this thesis aims to test Manners' notion by conducting a case study in the policy field of non-proliferation of Weapons of Mass Destruction and related material.

In order to do so, firstly a theoretical subsumption of Manners' concept of 'Normative Power Europe' is conducted, which includes normative foreign policy analysis as well as role theory.

By means of these theoretical tenets as an explanatory framework, the research of this thesis suggests that role conflicts within the EU's non-proliferation policy actions emerge frequently, which undermines consistent action of the EU in this policy field. This can be understood in terms of non-adherence to self-set normative foreign policy goals: The research of this thesis suggests that the EU's goals and actions in non-proliferation do not correspond sufficiently. Furthermore, in this thesis, these role-conflicts are exemplified by a case study on the EU's non-proliferation policy towards India, in which non-proliferation goals have been abandoned in favour of economically defined goals. By means of the results from the analysis of existing data and the conducted case study, Manners' theoretical notion of 'Normative Power Europe' has been refuted. Accordingly, in the light of the available data and the conducted case study, the EU cannot be regarded as a consistent normative foreign policy actor in the policy field of non-proliferation.

**Key words:** EU, Normative Power Europe, Ian Manners, Foreign Policy, Normative Foreign Policy, Role Theory, Non-Proliferation, Non-Proliferation Regime, WMD, Weapons of Mass Destruction, India

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## **List of abbreviations**

AP: Action Plan

ACP: States within the Cotonou Agreement between the EU and the African, Caribbean and Pacific Group of States (78 signatory states)

BCW: Biological Weapons Convention

CBRN: Chemical, Biological, Radiological and Nuclear

CFSP: Common Foreign and Security Policy

CPCC: Civilian Planning and Conduct Capability

CTBT: Comprehensive Test Ban Treaty

CWC: Chemical Weapons Convention

EC: European Community

ECJ: European Court of Justice

ECSC: European Coal and Steel Community

ENP: European Neighbourhood Policy

EEAS: European External Action Service

EP: European Parliament

EPC: European Political Cooperation

ESS: European Security Strategy

EU: European Union

EUMS: European Military Staff

EURATOM: European Atomic Energy Community

FTA: Free Trade Agreement

GATT: General Agreement on Tariffs and Trade

HCoC: The Hague Code of Conduct Against Ballistic Missile Proliferation

HR: High Representative for Foreign Affairs and Security Policy

IAEA: International Atomic Energy Agency

ICBM: Intercontinental Ballistic Missile

IGC: Intergovernmental Conference

IfS: Instrument for Stability

INCS: Instrument for Nuclear Safety Cooperation

JAP: Joint Action Plan

MTCR: Missile Technology Control Regime

NPE: Normative Power Europe

NPT: Treaty on the Non-Proliferation of Nuclear Weapons

OPCW: Organisation for the Prohibition of Chemical Weapons

PCA: Partnership and/or Cooperation Agreement

SAA: Stabilisation and Association Agreement

SEA: Single European Act

SLBM: Submarine Launched Ballistic Missiles

TACIS: Technical Aid to the Commonwealth of Independent States

TEEC: Treaty Establishing the European Community

TEU: Treaty on the European Union

UN: United Nations

UNSC: United Nations Security Council

WEU: Western European Union

WMD: Weapons of Mass Destruction

WMD Strategy: Strategy Against the Proliferation of Weapons of Mass Destruction

# **1. INTRODUCTION**

## **1.1. Introduction**

The European Union (EU) has always been a contested and debated object of investigation in the studies of International Relations (IR). Numerous scholars have filled libraries with research on the EU's origins, nature, motivations and purpose. Neither is it a federal state, nor is it a loose cooperation agreement among European states. Nevertheless did the EU attain governmental capacities and related institutional structures which have evolved ever since the end of the 1950s. The ongoing development of economic and political integration in Europe has never come to a halt. The EU has gone down the path of reshaping the political landscape of Europe against the odds of numerous drawbacks and crises, as well as a current resurgence in the notion of national sovereignty among its member states.

Previously, the Treaty on the European Union (TEU or Maastricht in the following) from 1992 and the Treaty of Lisbon from 2007 have incrementally altered the structural setup of the EU and the way the EU conducts its affairs. By overcoming the former three-pillar structure of the EU since the TEU in Maastricht in 1993 and replacing it with a single merged legal personality in Lisbon in 2007, the EU further widened its scope of political action. This is also true for the field of external political action: the recently erected European External Action Service (EEAS) under the authority of the High Representative for Foreign Affairs and Security Policy (HR) serves as the diplomatic service of the EU and proposes and implements foreign policy measures.

However, the development of the EU's foreign policy capabilities is not limited to the well-known and much discussed big treaty advancements and the connected policies that make headlines in newspapers. They must be seen as parts of the big puzzle that is the EU's foreign policy. By limiting one's view to the big treaty advancements, a true understanding of the EU's foreign policy cannot emerge. Comprehensive research on EU-foreign policy actions must therefore carefully take all developmental steps of various concerned institutions, their positions and related policies into consideration. It is academia that has to conduct careful research on policy fields that are subordinated to the label of foreign policy. True progress in research on a given EU-policy field thus can only take place if the focus on it has been narrowed down sufficiently.

One EU-related foreign-policy field that has not experienced an abundance of scholarly attention is the externally oriented non-proliferation policy on Weapons of Mass Destruction (WMD) and related Chemical, Biological, Radiological and Nuclear (CBRN) material. While political comments



and research often focus on the role of the E3+3 negotiation rounds with Iran (Sauer 2007), or on the EU's role in the Non-Proliferation Treaty (NPT) review conferences (Müller 2005, Katsioulis and Mölling 2010) and therefore pose research on the EU as one actor among others in the non-proliferation regime, this thesis will follow more ideational questions on the EU's 'actorness' in non-proliferation policy actions (Jupille and Caporaso 1998).

More specifically, this thesis aims to discuss the EU's non-proliferation policy against the background of the 'Normative Power Europe' (NPE) theory framework <sup>1</sup>, as introduced by Ian Manners in 2002. The initial motivation to refer to Manners theoretical treatise stems from the fact that while it is a relatively novel approach to study the EU, its applicability as a research concept has stirred up a lively academic debate. NPE can be regarded as a research programme which fully refutes a research perspective on the EU in a Westphalian understanding of 'actorness' in world politics; instead, a tailor made perspective on the EU as an actor in foreign policy is needed.

On this note, this thesis will comprise theory testing and theory building exercises. The research of this thesis will show that Manners' theoretical notion of NPE can partly be refuted. This is possible due to the fact that Manners utilises case study methodology for his theory-building on NPE: Competing test-cases can either lead towards an affirmation of its theoretical tenets and its explanatory power, or towards their refutation. While Manners abstracts his theoretical findings on the EU being a normative power from a case study on the spread of European norms against the death penalty, the research of this thesis will shed light on a different policy area and test the validity of NPE by means of its own case study, namely the EU's non-proliferation policy towards India. By means of this case study, it will be argued that while the EU is a seemingly integrated normative actor in the policy field of non-proliferation, it does not coherently adhere to self-defined normative rationale behind its institutional frame. The background for this study is the EU's extensive legal framework in the policy area of non-proliferation, which consists of various foreign-policy strategies and institutions. The development and setup of these will be depicted in this thesis. This delineation will highlight the normative foundations of the EU's non-proliferation policies, actions and action plans, the EU's WMD Strategy as well as the related *non-proliferation clause*. The non-proliferation clause will subsequently serve as the main object of investigation, as by means of an analysis of this policy tool, the case study of this thesis will be approached.

Constitutive for the analysis of the EU's capabilities and its policy actions in non-proliferation is a literature review on IR theories, which will help to shed light on the EU's specific 'actorness' in non-

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<sup>1</sup> In the following, 'NPE' will be utilised synonymously with the depiction of the whole research programme of "Normative Power Europe", which will be depicted in chapter 2.1.

proliferation policies. More specifically, the theories employed are the NPE theory framework as defined by Manners, normative foreign policy analysis, as well as sociological role theory. While this literature review aims to provide a comprehensive overview of the theories, it should be stressed that the depicted key tenets of the theories will be employed in the analytical discussion on the non-proliferation clause in order to conduct the theory testing exercise of key tenets of NPE. By means of a tailor-made research perspective which incorporates the necessary aforementioned theoretical tenets, the analysis of the case study will help gain an understanding of the EU's specific actions as a non-proliferation actor.

However, this does not mean that a literature review on case study and/or IR-methodology will pose as the result of this thesis. In fact, all the necessary steps of methodology and theory-development of this thesis will take place against the background of the topics being discussed. By means of this approach, a coherent research framework between methodology, content and theoretical considerations will form the results of this thesis, ideally achieving the intended research objective of refuting Manners' notion of NPE in the specific policy area of non-proliferation. The more convincing and insusceptible to failure in theory- and hypothesis-testing this will prove to be, the more an understanding of the true nature of the EU's non-proliferation policy can be achieved. The analysis of the non-proliferation clause in the case of India will highlight that while the EU accounts for a normative foundation of its non-proliferation policies, it does not always and coherently adhere to self-set standards, principles and norms regarding its foreign policy actions in this policy field.

Furthermore, this thesis aims to show that the case study is a test-case for a certain kind of EU-activity. Normative reasoning can be found behind EU-policy and legislation in various policy fields. The EU's non-proliferation policy must therefore be seen as one case among others. The research conducted in the thesis will thus help to contextualise the EU's non-proliferation policy in the wider frame of the foreign policy actions of the EU. This research perspective and focus serves as an explanation for the one-sided approach within the conducted case study. While it would be feasible to discuss the EU's non-proliferation policy within the stress field of the international proliferation regime and bilateral relations with India, the focus and the method of this study solely puts the focus on the 'actorness' of the EU.

## **1.2. Working hypothesis and research question**

If the thesis is to succeed in theory-advancement by means of the falsification of existing theory, or in the theory framework of NPE (as will be elaborated further in the methodology chapter), a guiding working hypothesis which will be verified or falsified through theory testing must be provided.

This working hypothesis includes the theoretical considerations mentioned above, as well as the background of the EU's actions in the non-proliferation regimes:

*The EU is a normative actor in the international non-proliferation regime of CBRN weapons and related material, it exercises adherence to self-set standards and norms. The EU's non-proliferation actions toward India demonstrate the consistency of the EU as a normative actor; the EU's exercise of adherence to these norms further supports the theoretical construct of the EU being a normative actor in international relations.*

We note that the working hypothesis has been formulated in this way, *as falsification of hypotheses leads to theory advancement through theory testing*. This takes place against the background of the given evidence from chapter 5., namely the fact that the available data supports the claim that the EU does not adhere to the norms mentioned above. As will become apparent in this thesis, this notion is closely connected to Manners' conception of NPE. Only by re-evaluation of theory, a more precise and concrete understanding of our social world can come into place.

This working hypothesis will guide the research of this thesis and it is specifically constructed in this manner in order to answer the following research question:

*Is the European Union a consistent normative foreign policy actor in the policy area of non-proliferation of CBRN weapons and related material?*

By discussing and inevitably answering this research question, the theory testing exercise on the explanatory power of NPE will be conducted. By discussing whether the EU is a consistent or inconsistent foreign policy actor in the area of non-proliferation, Manners' theoretical notion of NPE will be refuted in the light of the provided case study and data sample.

In the following, a literature review on the theories of Normative Power Europe, normative foreign policy as well as role theory will be depicted. This aims to serve several purposes: firstly, the literature review will help to contextualise this thesis in the existing research, namely on the crossway connecting International Relations and European Studies. Secondly, we note that the specifications from the literature review are deeply interconnected with the research puzzle of this thesis. A categorisation and discussion of the EU's foreign policy tools against the background of the research question is not possible without the attainment of a suitable research perspective. An accurate depiction of these theories' key tenets is crucial for the analysis of the EU's non-proliferation policies: the concluding case study of this thesis will help to refute Manners' theoretical notion of Normative Power Europe in the policy field of non-proliferation.

## 2. THEORY

The following chapter will provide a comprehensive overview of the ongoing scholarly debate on normative foreign policy and the European Union's conduct of foreign policy as an actor in the international political system. The resulting deliberations will pose the theoretical foundation for the discussion of the EU's non-proliferation policies in the analytical chapter of this thesis.

Firstly, Ian Manners' concept of Normative Power Europe will be elaborated, as the scholarly debate on normatively coined foreign policy of the EU has been most prominent among EU-studies scholars in the recent past. However, not only Manners' original conception of Normative Power Europe will be depicted. Instead, critics who highlight strengths and shortcoming of the theory, as well as Manners' own theory advancement will be appended to the discussion. This discussion fulfils several important conditions in the wider context of this thesis. Not only will this discussion depict an initial and contextualising framework for the discussion of the nature of the EU's foreign policy and most importantly the EU's non-proliferation policies: The theory testing and theory advancement exercise of this thesis is dependent on a coherent and intelligible foundational disquisition on existent research on the topic. The findings from the depiction of the concept of Normative Power Europe bear important implications for the subsequent part of this literature review, namely the discussion on the concept of normative foreign policy. Furthermore, we note that it is imperative for the success of the theory-testing exercise of this thesis to embed the present discussions into existing research on the EU as a foreign policy actor. Manners' conception of NPE can only be refuted if its theoretical key tenets are convincingly disclosed. The means to achieve this will further be elaborated in the methodology-chapter of this thesis.

Secondly, an illustration of the concept of normative foreign policy will take place. This discussion aims to carry on the initial focus of the following theoretical considerations and discussions of this thesis not only on foreign policy itself, but rather specifically the concept of normative foreign policy; namely what its conditions are and how to depict and categorise it within the set of existing foreign policy types. The discussion on this is heavily aligned towards Tocci's theoretical framework from *Who is a Normative Foreign Policy Actor?*, which aims to pose an analytical basis for various kinds of EU foreign policies. In this volume, several authors provide case studies in which the nature of various EU foreign policies are evaluated and categorised. As will be argued later in this thesis, the case study of the EU's non-proliferation policies towards India can be seen as one case study among other existing ones in the provided statistical sample from chapter 5.2.. At the end of the discussion on Tocci's ideas, a comprehensive theoretical framework on key tenets of normative foreign policy will stand. This will bear important implications for the discussion on the nature

of the EU's non-proliferation policies in the analytical part of this thesis, and it will help to test whether they can be regarded as normative or not.

Thirdly, an excursion into sociological role theory will take place. As will be argued in the following, role theory can be applied on an International Relations based level of analysis. Furthermore, it will be noted that the theory can provide an explanatory basis for how and why a specific foreign policy actor is behaving in a given way. The considerations following these notions will be of high significance for the analytical part of this thesis, as they will directly be applied in the employed case study. The incorporation of role theory into the theoretical framework of this thesis will help to facilitate the discussion of the research question. While the aforementioned theories can help to gain a perspective on the normativity of a foreign policy actor such as the EU, we note that they alone are insufficient for analysing the specific actorness and the track record of the EU in the policy area of non-proliferation. Accordingly, role theory must be regarded as being crucial for the theory development exercise of this thesis.

The findings from this literature review pose the basis for the research framework, which will be depicted in chapter 5.1.. While this could possibly be placed right after the literature review, the author of this thesis decided to let it precede the analytical discussion for the sake of easier readability. This consolidating discussion aims to merge the theoretical concepts listed above which will be applied in the analysis. The resulting explanatory framework will be heavily aligned towards the research question and the case study of this thesis.

## **2.1. Normative Power Europe: Manners and his critics**

Ian Manners' concept of 'Normative Power Europe' has stirred an extensive debate among EU-scholars. Not only does it challenge previous scholarly evaluations of the EU's role in international affairs such as Duchêne's concept of 'Civilian Power EU'. Even more, an incremental discussion which aims to rethink the nature of the EU's role as a foreign policy actor followed the publication of Manners' article from 2002. This discussion has branched out into a manifold discussion panel employing NPE as a research programme for various case studies in which specific EU foreign policies are tested against the background of the EU's normative foundations<sup>2</sup>.

The following discussion does not aim to merely list all advocates and critiques of Manners' concept of NPE. Instead, a disquisition on parts of the theory framework which can be utilised for the

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<sup>2</sup> See: Birchfield 2013, Diez 2005, Lenz 2013, Manners 2006a, Manners 2006b, Manners 2008, Manners 2013 for theory development of "NPE". See Hyde-Price 2006 and Hyde Price 2008 for realist critiques. See Afionis & Stinger 2013 for a case study on environmental policy & EU-Brazil relations. See Whitman 2013 for an assessment of the theoretical impact of NPE in IR theory.

discussion of the research question will be highlighted; valuable contributions of other scholars will be added to this discussion. A coherent theoretical framework applicable to the research of this thesis will form the result of this treatise. This framework is complemented by the other two theoretical stances of this thesis, namely the concept of normative foreign policy, as well as role theory. While the first two will help to contextualise the EU as a normative foreign policy actor in international relations, role theory will set the basis for a theory advancement exercise in the analytical part of this thesis.

Manners' initial motivation to engage into a theoretical discussion based on the EU's normative foundations dates back to Hedley Bull's notion of "the EU neither being an actor in international affairs nor likely becoming one" (Bull 1982: 151; ref. in: Manners 2002: 235).<sup>3</sup> Manners' own position on the EU can be regarded as contrarily to this, as he suggests to fully rethink 'classic state centred' notions of military and civilian power. Instead as will be argued in the following, a research focus concentrated on more ideational, less state-centred, normative reasoning can best explain the rationale behind EU-policy.

The starting point of Manners' argumentation refers back to Duchêne's concept of 'Civilian Power Europe', which includes three key notions defining the nature of the European Community. Firstly, economic power is regarded as central for achieving national goals. Secondly, international problems must be resolved by means of diplomatic cooperation, and thirdly, international progress can only be achieved by means of compliance of international actors with legally binding supranational institutions (Manners 2002: 236-237; ref. to: Twitchett 1976, 1-2; Maull 1990: 92-93, Duchêne 1973). Bull highlighted these principles as being responsible for a perceived weakness and ineffectiveness of the EC's security policy and a resulting dependence on NATO. Bull furthermore lobbied for a comprehensive military integration of the European continent in order to become a more self-sufficient international security actor in the heydays of the Cold War (1982).

While Bull's criticism is heavily based on a state-centred, Westphalian understanding of international affairs, Manners rejects the idea of a theoretical 'European state-building exercise' in which a unified actor is striving for possession goals, as will be elaborated and defined in chapter 2.2.. Manners specifically notes that the discussions on the concepts of civilian or military power mainly concentrate on "[...] how much like a state the EU looks like" (Manners 2002: 239). Contrarily, he notes that "[t]he EU has evolved into a hybrid of supranational and international forms of govern-

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<sup>3</sup> As Manners accurately depicts, Bull "[...] endangered himself to a generation of European studies scholars." (Manners 2002: 236).

ance which transcends Westphalian norms", thus argues for a different view on the EU as an entity and international actor than on state actors (Manners 2002: 240; ref. to: King 1999: 313).

Furthermore, Manners suggests that a theoretical focus on normative, rather than empirical variables serves best for gaining a deeper understanding of the international role of the EU. The principles of democracy, rule of law, social justice and respect for human rights form the ideological basis of the EU and were already mentioned in the 1973 Copenhagen Declaration on European identity. They were first translated into a constitutional framework within the TEU. While these norms have served as a constitutive and universal basis for the EU's relations to its member states, its external relations are based on "[...] a catalogue of norms which come close to those of the European convention on human rights and fundamental freedoms (ECHR) and the universal declaration of human rights (UDHR) than most other actors in world politics." (Manners 2002: 241). Furthermore, the EU "[...] is committed to pursuing these norms in accordance with the ECHR (TEU, art. 6) and the 'principles of the United Nations Charter' (TEU, art. 11, preamble to TEU)." (ibid.).

However, the facts that the EU accounts for a normative basis which its foreign policies are based upon, and that the EU does not impose its norms on others by means of force still leaves us with the question which *means* the EU actually employs in order to reach its normative foreign policy goals. Manners notes that the EU's normative power rests upon six factors, which shape the diffusion of EU-based norms in international relations (Manners 2002: 244-245):

<b>Contagion</b>	<b>Informational Diffusion</b>	<b>Procedural Diffusion</b>	<b>Transference</b>	<b>Overt Diffusion</b>	<b>Cultural Filter</b>
Unintentional diffusion of ideas from EU to other actors	Strategic communication, such as policy initiatives by EU institutions	Institutionalisation of a relationship between EU and third party such as cooperation agreements or membership of the EU in international organisations	Diffusion through exchange of goods, aid, technical assistance through substantive or financial means	Physical presence of the EU in third states and international organisations	Affects impacts of international norms in third states leading to learning, adaption or rejection of norms

Manners concludes with the statement that not only is the EU based on norms, but also does this predetermine the EU to act normatively in its international relations. As the research of this thesis will show, this notion is at least arguable.

Thomas Diez' article from 2005 is a direct response to Manners and serves as a theoretical reflection on the concept of NPE. Initially, Diez agrees with Manners on the notion that the EU is a new type of foreign policy actor, which relies on civilian rather than on military means in order to achieve normative goals rather than possession goals, such as geographical expansion or military might (Diez 2005: 613). However, in regard to the concept of 'Normative Power', which Manners defines as an actor's capability to influence what is considered as normal in international affairs, Diez provides three noteworthy addenda.

Firstly, while Manners' research focus relies on a shift away from classic thinking in a state-centred manner, his understanding of 'power' actually bears a connotation of thinking in terms of 'great powers' or 'superpowers'. Within the line of reasoning presented in Manners' article from 2002, it is not advisable to employ a concept of 'power' which bears the characteristics of a unilateral exercise of influence/diffusion of norms towards a third party or an international organisation. As Diez emphasises, "[...] normative power is not only a specific kind of actor in international politics, but also connotes the characteristics of a relationship (in the Weberian sense of power as A being able to make B do what s/he would otherwise not have done)." (Diez 2005: 615-616). Furthermore, normative power must be examined in terms of the means which are utilised for norms diffusion. The concept of 'normative foreign policy means' will further be elaborated in chapter 2.2..

Secondly, Diez highlights the *distinctly social constructivist ring* of the concept of NPE:

It focuses on the independent power of norms to influence actors' behavior. [...], a lot of the discussion about 'normative power Europe' does not really examine the de facto impact of EU policy [...] but on whether it acts as a normative power [...]. (Diez 2005: 616)

This statement must be regarded as highly valuable in terms of the development of a rather undifferentiated theoretical notion such as 'Normative Power Europe' in its initial setup from the year 2002. By means of a critical scientific discourse on theory, a better understanding of the social world can emerge. Diez' notion therefore called upon EU-studies scholars to widen the scientific perspective on NPE *to an extent that actual policy actions are analysed*.

Thirdly, Diez notes that the concept of normative power should not be employed in an exclusionist manner. Rather than replacing other concepts of power, such as economic or military power, normative power should be seen as an addition to existing power conceptions. As a matter of fact, economic and military power underpin normative power, as they increase the leverage of an actor in the international political system. However, normative power must still remain in its own category which is in need of further concretisations, specifications and deliberations, which will be provided in this thesis.



Diez' attempt to arrange the concept of NPE into the same line as Duchêne's concept of 'Civilian Power Europe' is worth being mentioned, as he successfully argues that both concepts follow a similar basic rationale. Manners himself however regarded the two concepts as distinct from one another. In fact, both concepts initially rely on the idea that a civilian/normative power is an actor "[...] whose conception of its foreign policy role and behaviour is bound to particular aims, values, principles, as well as forms of influence and instruments of power in the name of a civilisation of international relations." (Diez 2005: 617). Accordingly, both concepts are closely related to one another. Diez adds that civilian power can be regarded as a specific form of normative power which embodies a specific set of civilian norms (ibid.).

Subsequent to Diez' critique on the initial definition of NPE, Manners did not only answer to this directly (Manners 2006b), but attempted to further develop and specify the theoretical underpinnings of the theoretical framework (Manners 2008; Manners 2013). In *The normative ethics of the European Union* from 2008, Manners initially refers to his previously stated notion of 'Normative Power' being the specific kind of power that lets specific norms appear as 'normal' in international politics. He adds that simply by means of the fact that the EU is conducting foreign policy the EU has already changed the 'normality of international relations'. Furthermore, by standing in between the relations of classic Westphalian-type actors and engaging itself in norms-export, the EU "[...] changes the norms, standards and prescriptions of world politics away from the bounded expectations of state-centricity." (Manners 2008: 45). However, Manners points at the seemingly ambivalent meaning of his initial definition of NPE, as in fact there exists a difference between what an actor in international politics *stands for* and what the actor actually *does*, or more specifically, if it *acts* in a normative way. The idea of the EU being normative and powerful <sup>4</sup> at the same time is not contradictory: this idea is rather critically dependent on a working definition of what power means in the context of normative foreign policy. Accordingly, the dichotomy of these terms is not a contradiction in itself; they rather complement one another if defined properly, as will be discussed in chapter 2.2..

Apart from these mainly theoretical considerations, Birchfield offers thoughts concerning how the concepts embedded in NPE can be empirically assessed by concentrating on how NPE functions as a policy framework (2013). Firstly, he notes that NPE is the first attempt at a theoretical categorisation of collective foreign policy actors (such as the EU) in the international political system, which focuses on a discourse on *what kind of actor* is actually being discussed. This stands in sharp oppo-

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<sup>4</sup> as in normative power

sition to realist conceptions of foreign policy actors which perform all the same functions, namely to follow self-defined interests in the international political system:

Therefore, the extent to which the NPE framework places ontological questions front and center distinguishes it from most other approaches (with the possible exception of constructivism) that are specifically enlisted to explain the EU policymaking process. (Birchfield 2013: 908)

According to this, NPE is specifically designed to discuss the EU's foreign policy actions, as opposed to other attempts to explain the EU's actions, which are 'borrowed' from research designs that were initially set up to discuss nation states. This ontological differentiation must be stressed and adds up to the descriptive power of NPE. On this note, Birchfield stresses that NPE "[...] can and should be deployed as an analytical framework of the EU policy process." (Birchfield 2013: 909).

Connected to this stands the idea that by means of NPE, empirical and theoretical insights are generated from the core of the discussed entity itself, instead of being generated through an outlying perspective. As Birchfield stresses, this predisposes a *sui generis* nature of the EU as an actor in the international political system. It is reasonable to argue that the EU is a unique and different actor in foreign policy, which is sharing the same environment with other foreign policy actors. However, the specific and unique nature of the EU within this calls for a unique and tailor-made perspective not only on *what* this actor is, but also *what* it does and by *which means*. The discussion of these issues will not only stand in the centre of the discussion of chapter 2.2., but also pose the leitmotif of the theory-testing and theory-development exercise in this thesis.

A heavy criticism of NPE is provided by Hyde-Price in a number of articles. In his first and most noteworthy article from 2006, Hyde-Price criticises NPE for overemphasising the 'distinctive European approach to international relations', which is founded on soft power as opposed to hard power. Opposed to the basic rationale offered by normative theory as explained above, Hyde-Price clings to thinking in Cold-War terms. While he tries to offer constructive criticism on several aspects of the NPE framework, his criticism reads as he himself is offended by the idea that hard power might not be the only thing that accounts for constitutive power in international politics: instead of engaging in theory-testing in order to advance or refute parts of the NPE-framework, the whole ideational basis of NPE is questioned in rather reductionist terms. Firstly, Hyde-Price states that 'liberal-idealist' approaches in IR are reductionist. Secondly, these approaches fully neglect hard power. Thirdly, they lack a critical distance as NPE employs an ethically non-neutral definition of what is normative.<sup>5</sup> However, instead of engaging in a discussion regarding these three items, he has stated them as if they were self-explanatory. Rather, he merely continues to appraise the virtues of the

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<sup>5</sup> the ethically non-neutral definition will be elaborated and defined in chapter 2.2.

neorealism being "[...] one of the most sophisticated and influential theories of international politics, [...]" while pointing out that it has not sufficiently been applied to European foreign security and defence policy (Hyde-Price 2006: 218).

What follows in this article is a treatise of the basic tenets of the neorealist theory framework in terms of unipolarity, bipolarity, multipolarity, balance of power, self-help systems and the like. Based on these theoretical considerations, Hyde-Price aims to provide an initial framework for the discussion of the EU as an actor in the international political system. Due to his theoretical focus which remains on states as the main actors within the EU and which dismisses the idea of the EU as being an actor on its own, this thesis resists the urge of including Hyde-Price's criticism into the theory-testing exercise. The ideational foundation of European integration over the course of its development, as well as the normative basis of the EU's foreign policy can convincingly be depicted, as will be shown in chapters 4.2. - 4.4. of this thesis. As this thesis will argue, a simple and reductionist differentiation of hard power / soft power and thinking in Westphalian terms when analysing foreign policy outcomes of the EU is not constructive.

While the development and specifications of the terms employed in the NPE framework are ongoing, its impact on IR-theory is already apparent. Whitman's thesis from 2013 convincingly classifies NPE into the existing landscape of IR theories. His main contribution to the NPE debate further highlights the basic rationale behind NPE which classifies the EU as a new kind of actor in the international political system. Not only does Whitman deploy a convincing narrative about Manners' initial motivation to engage in a novel discussion on what the EU *is*, but also he connects this narrative to existing notions of the EU such as Duchêne's 'civilian power' concept and Galtung's 'ideological power' concept (Whitman 2013: 172). In what Whitman describes as the 'neo-normative turn', he does not only count Manners' NPE concept into one line with classics of the discipline such as Duchêne, but also he argues that the concept is independent from discussions of hard and soft power or civilian and military power, which has been a centrepiece of Hyde-Price's criticism on NPE. Instead, NPE points at the EU's aim to set standards for other foreign policy actors by means of the diffusion of norms instead of relying solely on military and economic sources (Whitman 2013: 174).

However, Whitman does not limit his article to merely describing the development and main tenets of NPE: he adds valuable criticism from various authors some of which will be employed in the analysis of this thesis. The notion of the EU being an 'inconsistent normative power' is convincing, as will be argued in this thesis. This notion carries a number of noteworthy implications. While it

does not refute the basic rationale behind NPE, it describes the efforts of scholars testing the NPE specifications against an empirical background. As various scholars have shown, the EU's track record of staying consistent with its normative foundations is mixed, to say the least (Whitman 2013: 183).<sup>6</sup> This thesis will stand in one line with authors arguing that the EU does not always adhere to its normative foundations in the conduct of foreign policies.

To conclude, we note that according to Manners, much of the research that is conducted on the EU as a foreign policy actor merely concentrates on empirical outcomes of foreign policy actions, "[...] without ever asking why the EU is or is not acting [...]" (Manners 2008: 45). While the faceoff between realist / neorealist thinking and more constructivist / liberal / normative approaches in IR-theory is ongoing, the research of this thesis will suggest that normative theory poses an adequate foundation for the discussion of the specific form of the EU's normative foreign policy, or more specifically, its external non-proliferation policies. However, the outcome of the EU's non-proliferation policies must be tested against the background of its normative foundations and reasoning. Manners' initial conception of NPE is, as all new and emerging theory-frameworks, prone to receive fierce criticism from other scholars, as exemplified by Hyde-Price. The fact that the discourse on NPE has mainly been constructive by nature<sup>7</sup> shows that the theoretical framework NPE is unlikely to slip off into academic obscurity. Instead, further theory development of these terms and the NPE framework altogether through critical academic discourse and case studies is needed if NPE is to attain more credibility and explanatory power *au contraire* to classic, hard-power based narratives of foreign policy.

## 2.2 Normative Foreign Policy

A long withstanding discussion on the nature of the EU's foreign policy has taken place ever since it has appeared as foreign policy actor. Various scholars assign differing role-conceptions towards the EU, such as the EU being a civilian power (Duchêne 1973) or a normative power (Manners 2002, 2006). Manners' notion has especially prompted a lively debate on the nature of the EU's foreign policies. The conception 'Normal Power Europe' for example is a direct response to Manners' work (Pardo 2012). In order to discuss the EU's foreign policies (and more specifically: non-proliferation policies) in this thesis, a theoretical framework surrounding the notion of 'normative foreign policy'

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<sup>6</sup> such as Aggestam and Hill 2008, Bailes 2008, Balfour 2006, Barbé and Johansson-Nogués 2008, Bicchi 2006, Diez and Pace 2007, Hettne and Söderbaum 2005, Lerch and Schwellnus 2006, Matlary 2008, Noutcheva 2009, Panebianco 2006, Puetter and Wiener 2007, Wood 2009

<sup>7</sup> see Diez 2005, Birchfield 2013, Diez 2005, Lenz 2013, Manners 2006a, Manners 2006b, Manners 2008, Manners 2013, Whitman 2013

must be depicted. As the following theoretical outline will show, this aims to pose a solid basis for the discussion of the research question and working hypothesis of this thesis.

The question of *who or what is a normative foreign policy actor* has long been discussed in the study of foreign policy, as Smith and Light point out (2001). However, which analytical framework for assessing normative foreign policies offers an adequate framework for the analysis of the EU's non-proliferation policies? Tocci draws a conceptual framework for the discussing of these notions, which is heavily based on a definition of the 'normative' referring to international law and institutions, calling upon an 'universalisable' basis for the assessing of foreign policies (2008: 1). If the extent of normativity of the EU's non-proliferation policies is to be assessed (as stated in the working hypothesis and research question), international law, international institutions and international organisations pose a good point of departure. As this thesis will show, specifically these, in form of multilateral agreements and international organisations, pose the cornerstones of the international non-proliferation regime(s).

Two possible working definitions of 'the normative' in the study of foreign policies exist, as Tocci points out. The first definition, which is also employed by Manners, refers to what is considered to be 'normal' in the international political system and is labelled as the 'ethically neutral' definition:

Under such an interpretation, norms become closely associated with power, in so far as only major international actors have the power to shape or determine what is considered 'normal'. [...], all major international actors would have 'normative' foreign policies by definition, in that they all contribute to determining and shaping the 'norm' in international affairs. (Tocci 2008: 4; ref. to: Sjursen: 2007)

However, we note that this definition of the 'normative' will not be employed in the research of this thesis. Merely concentrating on which state has the means to influence and/or define what is considered as normal in international politics does not lead to a comprehensive framework in which different actors can be placed against the same benchmark. As will be highlighted in this thesis, a focus on international law and international organisations will serve best to depict the international non-proliferation regime(s).

The 'ethically non-neutral' definition refers to a set of legitimate standards which are universally accepted. According to this, universally accepted norms of 'what is good' do exist in normative foreign policy. What this means in practice will be outlined in the following. However, some constrictive remarks on this working definition must be employed first. If a notion of universally legitimate standards of normative foreign policy is to be depicted, one-sided 'imperialistic impositions' of what is thought to be 'good' must be avoided, as "[d]oing so is not only problematic in and for itself, but would also lead us back to a definition of normativity which is inextricably tied to power and

power-based relations", which is exactly what is meant to be avoided in the research of this thesis (Tocci 2008: 4). Furthermore, we note that "[p]rojecting or coercively imposing specific norms with a claim to their universality amounts to little more than an imperialist export of one's chosen form of political organisation." (Tocci 2008: 5). According to this, if this thesis is to discuss the normative foreign policy and specifically the normative non-proliferation policies of the EU, EU-set standards and norms only tell one part of the story and account merely for one perspective on norms.

While it is important to have a precise knowledge of the construction and setup of the EU's norms in this policy field, which will be provided in chapter 4.2. - 4.4., a working definition of normative foreign policies must be as closely linked to a *legitimate* notion of universality as possible. As Manners points out, the provision of external reference points can overcome this possible pitfall (2006a: 170-175). In the research of this thesis, this external reference point is depicted by the international non-proliferation regime(s), which comprises a specific set of norms which are regarded as universal to varying degrees by international law. The development of the international non-proliferation regime(s) will also be outlined in chapter 4.1..

In the following, a disquisition on the concept of normative foreign policy will follow, which consists of three variables, as designed by Tocci. This will take place in order to set up a theoretical framework according to which the EU can be discussed as a normative actor in the non-proliferation regime(s).

The first variable of normative policy is the 'normative goal' variable, which concentrates on the question whether a foreign policy is planned normatively in its setup or not. One way of distinguishing between normative and non-normative foreign policy goals is to divide them into being value-, respectively interest-based policies. According to this, normative foreign policy goals are formulated against the backdrop of values; non-normative ones are interest-based. However, this approach entails inherent problems as seemingly same values can be interpreted in innumerable ways by different policy actors. Furthermore, values are often based on interest configurations, thus rendering the distinction offered at hand obsolete (Tocci 2008: 5-6). Instead, Tocci refers to Wolfers' definition of 'milieu goals' as opposed to 'possession goals'. While possession goals aim at a nation's own interest in short-term gains limited to itself, milieu goals apply to the international environment and are pursued over an extended period of time:

In directing its foreign policy toward the attainment of its possession goals, a nation is aiming at the enhancement or the preservation of one or more of the things to which it attaches value. [...] Milieu goals are of a different character. Nations pursuing them are not out to defend or increase possessions they hold to the exclusion of others, but aim instead at shaping conditions beyond their national boundaries. (Wolfers 1962: 73; quoted in: Tocci 2008: 7)

According to Tocci, the pursuit of milieu goals, if successful, becomes manifest in international organisations, regimes and law. Accordingly, the sum of these poses a normative framework which structures relations of actors in the international political system in various policy areas (Risse 2000: 15; ref. in: Tocci 2008: 8-9). Normative goals which are geared towards having a regulatory impact in international politics aim to bind *all* parties of the affected policy area, including the actor itself. To conclude, we restrictively note that international organisations, regimes and law are the also the result of international power relations. For example, political leverage in a given policy area <sup>8</sup> in the international political system results in a regime that corresponds more to the normative goal of this specific actor, than to the normative goal of an actor without the according leverage:

It is particularly important to add this proviso because international law is also the product of international power relations and not a magic formula that perfectly objectivises and universalises norms. (Tocci 2008: 8)

This notion corresponds to Manners' understanding of normative power on an initial level. Normative power for Manners is a power that manages "to shape conventions of the normal" and thus stands in the centre of his deliberations on the normative power of Europe (Manners 2002: 239-240). While this notion does not refer to any actual precisely formulated foreign policy action plans, the very fact that the ideational normative foundation of the EU is closely related to the export of self-formulated and applied norms is noteworthy.

The second variable is defined as 'normative means'. In essence, this variable refers to an actors' capability to enforce its normative goals in the given policy area: "To be normative, foreign policy must pursue normative goals through normative means." (Tocci 2008: 8). While foreign policies of states and empires have always been based on their own respective *normative reasoning*, the means to achieve these goals are not necessarily normative. Given the fact that normative foreign policy goals refer to milieu goals, the carrying out of a unilateral, imperialistic foreign policy in order to achieve possession goals cannot be regarded as normative. We note that this refers to the Manners' statement that a normative power rejects the notion of force and the willingness to use it in order to reach its normative goals:

[...] in my formulation the central component of normative power Europe is that it exists as being different to pre-existing political forms, and that this particular difference pre-disposes it to act in a normative way. (Manners 2002: 242).

The question about whether the means of a foreign policy are normative or not, refers to *how* policy instruments are used for achieving milieu goals, instead of merely *which* ones:

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<sup>8</sup> such as non-proliferation of nuclear weapons

Methods based on joint ownership, cooperation and dialogue in principle hedge against the dangers of imposing allegedly ‘universal’ norms through sheer power and against the needs and desires of local populations [...]. These methods allow for and are driven by motivations which are ‘other-empowering’ rather than ‘self-empowering’. (Tocci 2008: 9; ref. to: Manners 2006b)

Accordingly, normative foreign policy means are defined

[...] as instruments (regardless of their nature) that are deployed within the confines of law. Legality in the deployment of foreign policy instruments relates first to the legal commitments if a foreign policy actor towards itself, i.e., the deployment of foreign policies in respect of internal legal standards of democracy, transparency and accountability. (Tocci 2008: 10; ref. to: Stavridis 2001: 9)

This focus on adherence to international law corresponds to the composition of normative foreign policy goals. Achieving milieu goals that are meant to influence universalised norms necessarily has to rely on the means listed in the definition mentioned above:

While far from a perfect guide to normative action, in such situations the law ensures that choices are not crude reflections of political contingency, but rather are made within the boundaries of legally permissible acts. (Tocci 2008: 11).

The third and last variable of normative foreign policies centres on the results of the conducted policy and runs under the label of ‘normative impact’:

A normative impact is one where a traceable path can be drawn between an international player’s direct or indirect actions and inactions (or series of actions) on the one hand and the effective building and entrenchment of an international rule-bounded environment on the other. (Tocci 2008: 11)

The interplay of these three variables constitutes a normative foreign policy. However, a given foreign policy actor can only fully control the first two variables, as they are set up internally. The normative impact, while evidently being influenced by the actor, is the result of the interplay of all participating actors in the policy area on the international scale, thus being a superordinate aggregate.

Not all foreign policies comply with the conditions set for normative foreign policies mentioned above. Several forms of foreign policy can be depicted, depending on whether the two internal variables (goals and means) required for a normative foreign policy are applied or not. Four possible distinct foreign policy types emerge, as shown by the following matrix (Tocci 2008: 12):

		<b>Legitimisation of foreign policy goals</b>	
		Normative	Non-normative
<b>Foreign policy means</b>	Normative	<b>Normative</b>	<b>Status Quo</b>
	Non-normative	<b>Imperial</b>	<b>Realpolitik</b>



The *normative* foreign policy is characterised by compliance of both, goals as well as means with the normative conditions mentioned above. Goals are promoted in accordance to normatively defined milieu goals which strengthen international law and institutions, while neglecting short term possession goals. Internal and international commitments are adhered to. *Realpolitik* follows a contrarian rationale:

Here an international actor pursues possession goals by deploying all policy instruments at its disposal (coercive and non-coercive) regardless of its internal and international legal obligations. (Tocci 2008: 13)

The *imperial* foreign policy actor accounts for a normative rationale in its foreign policy goals. However, it does not bind itself to legal obligations such as compliance with international law or participation in international organisations. Last but not least, the *status quo* foreign policy actor does not formulate normative foreign policy goals, however, limits its actions (means) in that they comply with international law. The actor furthermore participates in international organisations (Tocci 2008: 12-13).

While these factors are conditional for the internal setup of a foreign policy actor, additional configuring conditions for the actor need to be addressed, in order to draw a coherent picture of a normative foreign policy actor. Firstly, the *internal political context* and the *internal capability* of the actor are important. The initial formulation of the milieu goal is important for its subsequent success. Relevant stakeholders related to the affected policy area (such as politicians, civil society, NGOs or business, e.g.) may utilise their influence and leverage in order to reach a configuration of the milieu goal which they envision. Furthermore, the *modus operandi* in which milieu goals are carried out needs to be taken into consideration. This refers not only to the political system of a given state, but also to all relevant interest groups and their respective influence in both, the formulation of the normative foreign policy goals, as well as to the capability of these actors to agree upon a common strategy and eventually deploy these. The more unified an actor is in this sense the more likely it is that the formulated goals may be achieved through unified action and with effective means to do so. The available means of the actor are closely connected to this internal notion: strong military power or economic influence may not only lead to an advantage in the pursuit of milieu goals, but also effectively breach internal law and thus influence a given policy area or policy regime directly, unilaterally (Tocci 2008: 16-18).

Secondly, the normative impact of a given policy must be taken into consideration. As Tocci notes, a foreign policy impact can be *intended* or *unintended*: Intended impacts correspond with the goal; unintended impacts do not correspond with the goal. This applies to both, normative as well as non-

normative goals (Tocci 2008: 13). While this is still from the perspective of the foreign policy actor, the conditions in which a policy 'unfolds' in the international political system in the respective policy area is also of importance. Tocci names three levels of analysis which are to be considered on this note. Firstly, the interaction of the foreign policy actor with the targeted state/regime must be examined. Secondly, the actor's interaction with the policies of other actors in the policy area can possibly bear decisive synergetic effects towards the achievement of milieu goals. Thirdly, the wider international context has to be taken into account:

A key determinant of normative foreign policy is the extent to which normative goals are promoted, monitored and enforced by international organisations, as well as the degree to which a foreign policy actor successfully makes use of these organisations to promote its goals. (Tocci 2008: 20)

To conclude, we note that in order to represent a comprehensive normative foreign policy actor, an actor must intentionally correspond to all criteria which are depicted by means of the three variables mentioned above. While a foreign policy actor can control the first two internal variables, the foreign policy impact remains partly out of reach due to the multiplicity of international actors, their interests and the configuration of international organisations in the respective policy areas and policy regimes. As an example, a foreign policy actor could have formulated normative foreign policy goals and employed its available means to achieve these milieu goals, yet it may fail to achieve the intended normative foreign policy impact due to the wider international context it is taking place in. Nevertheless, apart from merely categorising and characterising a foreign policy actor into one of the categories mentioned in the matrix above, it is important to identify under which conditions a foreign policy actor is behaving in its particular way.

### **2.3. Role theory**

The following chapter depicts a disquisition on sociological role theory, as determined by Elgström and Smith et al. in *The European Union's Roles in International Politics* from 2006. In this collection of articles, the authors aim to apply sociological role theory on an International Relations level of analysis. In the context of this thesis, this chapter aims to provide a theoretical basis for the discussion on why the EU is acting/behaving in a given way in the selected policy field of non-proliferation. While the previous theoretical considerations depict the concept of NPE and normative foreign policy as a whole, the outlining of sociological role theory in this chapter will help to discuss *that* the EU is an inconsistent normative actor in the analytical part of this thesis.

The initial motivation of the authors to apply role theory to IR refers to the growing amount of academic literature on the EU and its nature as an international actor, which range between the extremes of the EU being a potential state on the one end, and the EU being a "[...] patchy and frag-

mented international participant [...]" with little more than diplomatic coordination on the other (Elgström and Smith 2006: 1). These extreme positions and a lot more in between them highlight the analytical heterogeneity of defining the EU's actions in the various policy fields that it is engaged in. As the authors note, the EU may exist within gaps in the existing literature which explains why the EU remains a "largely unidentified object" (ibid.).<sup>9</sup>

While several roles have been attributed to the EU in research (see normative and civilian power EU), the authors stress that too often the EU is regarded by means of a comparison with state actors. Instead, due to its peculiar institutional arrangement, a unique perspective on the EU must be employed in order to gain a deeper understanding of its nature. Manners' rationale behind Normative Power Europe supports this claim, as explained above. The EU follows, unlike traditional state actors in the international political system, 'milieu goals' rather than 'possession goals', as the authors argue and as will be explained in detail in the following. In short, we note that while possession goals refer to national interests, milieu goals refer to the aim of changing the environment in which the foreign policy actor operates in.

Elgström and Smith find that according to Manners, the EU has always accounted for a *normative basis* for its hybrid form of governance, which consists of five core norms from its *aquis politique* and the *aquis communautaire*: peace, liberty, democracy, the rule of law as well as the promotion and ensuring of human rights. Although normative reasoning behind foreign policy actions are not a unique feature of the EU as other states might share and pursue similar goals, the notion that the EU has "[...] so far represented something different from states in the international system in that it has not been an actor that is only guided by self-interest [...]", stands at the beginning of the reasoning behind the concept of Normative Power Europe (Sjursen 2002: 15; quoted in: Elgström and Smith 2006: 3). Complementary to this, the authors adhere to the idea that

The normative ambitions of the EU, exemplified by the inclusion of normative conditions in most of its international agreements, demonstrate its conscious efforts to shape its environment. (Elgström and Smith 2006: 2)

While these statements are rather vague and do not account for much explanatory power in the context of the normative foreign policies of the EU, we note that an understanding of the EU's policies can stem from the study of both, its normative basis and reasoning, as well as its institutions and policy instruments, as the EU is unique due to the peculiar configuration of its external policy instruments (ibid.). While the mix of international and supranational elements in the EU's foreign policy institutions "[...] is usually seen as a problem for constructing and executing a consistent and

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<sup>9</sup> as paraphrased from Jaques Delors

coherent external policy [...]", the authors argue that their peculiar institutional arrangement can also be seen as an advantage and contribute to the EU's distinctiveness. This supports Manners' claim that the EU's unique form of hybrid governance is one of the factors that makes the EU normatively different (Elgström and Smith 2006: 4).

However, given the peculiar nature of the EU's institutional arrangements, how can an incremental understanding of the EU's nature and its actions emerge? As the authors argue, sociological role theory can be transferred onto and applied on the international political system level of analysis. In the following, the reasoning behind this statement will be examined. Firstly, we note that Elgström's and Smith's conception of the term 'role' refers to

[...] patterns of expected or appropriate behaviour. Roles are determined both by an actor's own conceptions about appropriate behaviour and by the expectations, or role prescriptions, of other actors. (Elgström and Smith 2006: 5; ref. to: Holsti 1970: 238-239)

Furthermore, this role conception bears a strong social constructivist notion, as role-taking of an actor is not a mechanistic process:

The roles an actor engages in are in part an effect of learning and socialization in interactive negotiation processes (Aggestam 2004a, b) where self-conceptions are confronted with expectations. (Elgström and Smith 2006: 5)

Accordingly, in the following, *roles* will be understood *in terms of a set of norms and expectations which constrain a foreign policy actor's behaviour*.

Given these broad basic theoretical specifications for a theory-building exercise in the volume, Aggestam aims to answer a number of questions concerning the EU's actorness in the international political system. More specifically, the discussion in her chapter of the volume aims to outline a *basic theoretical framework* which helps to construct a role analysis model applicable to EU foreign policies (Aggestam 2006: 11-29). Initially, a short disquisition on sociological role theory will be provided. The provision of this aims to help to contextualise its basic tenets in order to integrate them into the analytical framework of this thesis.

As Aggestam points out, the origins of sociological role theory refer to the theatre stage, as the social or political actor resembles the stage actor. This conception highlights the relationship between the individual (actor) and the social structure (stage) it is embedded in. As society serves as the stage, the actors wear 'masks' to comply with the role(s) they have learned. If this picture is translated into a sociological perspective by means of role theory, we note that it aims to discuss how human agents and social structures dynamically interrelate in a very fundamental sense (Aggestam

2006: 11-12). This is easily translatable to the stage of international politics: foreign policy actors employ various roles in the conduct of foreign policy, as will be argued in the following.

Roles are an emergent property not understandable merely in terms of the qualities of individuals alone; they are rather developing out of the interaction with individuals in particular environmental settings. The relationship between a role and the actor is mutual: roles and individuals mutually influence each other over the course of time. Correspondingly, future generations become influenced by roles employed by earlier generations, as they are socialised by them indirectly through their peer groups. Furthermore, "[i]t is because individuals are role-players that their behaviour is neither idiosyncratic nor random" (Bradbury et al. 1972: 43; quoted in: Aggestam 2006: 12).

Role theory was first introduced in foreign policy analysis by Holsti in 1970, who notes that analogous to sociological role theory, a role conception "[...] is a product of a nation's socialisation process and influenced by its history, culture and societal characteristics." (Aggestam 2006: 13; ref. to: Holsti 1970: 38-39). Holsti's achievement is the derivation of the idea that roles are not "[...] unfolded from abstract theoretical discussions, but analysed inductively in terms of the roles policy-makers themselves perceived and defined." (ibid.). The strength of this approach is that it accounts for the political reality as it is experienced by policy-makers, "[...] who construct it in a dynamic interaction between rules and reason." (Aggestam 2006: 13; ref. to: Searing 1991: 1248).

It is important for the research of this thesis to stress that policy-makers "[...] express different & numerous roles than the general role stipulated deductively by academics [...]", as roles "[...] have multiple sources and are not exclusively generated by the institutional distribution of power." (Aggestam 2006: 13). As will be argued in the analytical part of this thesis, various roles of the EU are employed when acting in the non-proliferation regimes. While this in itself does not fully refute Manners' notion of NPE, it will be reasoned that the conduct of the EU in different roles in the policy field leads to an inconsistency in its foreign policy actions. Furthermore, foreign policy makers are neither wholly free choosing agents, nor do external structures fully determine their actions and behaviour:

Political actors are constituted by their interests, by which they evaluate their anticipations and consequences, and by the rules embedded in their identities and political institutions. They calculate consequences and follow rules, and the relation between the two is often subtle. (March and Olsen 1998: 12; quoted in: Aggestam 2006: 14)

The previous discussion has shown that roles of foreign policy actors can be analysed and which are influencing and facilitating factors in regard to this. In the following, a further overview of distinctions of the concept of *role* itself will be given.

*Role expectations* refer to expectations which other actors prescribe and expect on the role-beholder. In foreign policy, actors constantly express and transmit their expectations towards other policy actors. The ongoing institutionalisation of international affairs and the universalised political culture generate broad expectations about actors which can set limits to the roles of policy-makers. More specifically, "[i]nternational role expectations can be studied as the normative expectations that membership in different institutions generate." (Aggestam 2006: 19). Participation in international organisations or policy regimes thus goes hand in hand with a set of prescriptions and expectations which influence an actor's role behaviour. The perception of what 'appropriate' role behaviour is varies among policy actors over the world and must always be regarded in terms of the interaction perspective mentioned above.

*Role conceptions* refer to the "[...] normative expectations that the role beholder expresses towards itself, i.e. the ego-part's own definition." (Aggestam 2006: 19). A foreign policy actor's own definition of a role is always connected to a self-set and self-perceived responsibilities and obligations. It can best be understood in terms of a mixture of norms, intentions and descriptions of reality, "[...] which vary in degree of specificity and manifestation", according to the specific actor (Aggestam 2006: 20). However, it is unrealistic that an actor would conceive itself in terms of one single role; rather, multiple roles are available. There always is an element of role-playing involved in the conduct of foreign policies, and due to the multiplicity of employable roles, a foreign policy actor always has room to manoeuvre between these roles. We note that "[t]he greater the extent to which policy-makers are socialised into and internalise these role conceptions, the more stable a role will be." (Aggestam 2006: 20).

*Role performance* refers to the actual foreign policy behaviour "[...] in terms of characteristic patterns of decisions and actions undertaken in specific situational contexts." (Aggestam 2006: 20). This concept is closely linked to the *role conception* of a foreign policy actor. However, as mentioned above, the multiplicity of roles that a foreign policy actor has at its disposal, makes it hard to know precisely or forecast which role is selected by the actor in a specific context, and most importantly, which particular objective is attached to it. Nevertheless, it is important to stress that role conceptions do not determine policy outcomes directly. They rather "[...] define the potential range of options and strategies." (ibid.)

Finally, the *role set* describes a series or a set of roles that are at the same time *one* role. It refers to the total sum of all roles and stands accordingly as a comprehensive term. Within the reach of this definition, scholarly concepts like 'Civilian Power Europe', 'Normative Power Europe' or 'Normal

Power Europe' can be found. The here depicted theoretical framework of role theory and its connected definitions will be utilised in the analytical chapter of this thesis.

By means coherent research design which includes relevant selected theoretical tenets from NPE, normative foreign policy and role theory, the working hypothesis and the research question of this research can be discussed. While these definitions and dedications have been outlined in this chapter, the specific research design and the connected research perspective will precede the analytical discussion of this thesis.

In the following, an overview of available and relevant methodology will be depicted. The selected methodology goes hand in hand with the theoretical treatise of this thesis: by means of case study methodology and the utilisation of the depicted research framework, the notion of 'Normative Power Europe' can be evaluated and challenged. This aims to test the theoretically coined working hypothesis. The means of how to test hypotheses and thus theory are widespread in social sciences and the specific use of one or several methodological points of view depends very much on the setup of the hypotheses and the available data. A very useful overview of available IR-methodologies is given by Sprinz and Wolinsky-Nahmias et al. (2007), in which case study methods, quantitative methods as well as formal methods are discussed through three different subfields of IR (International Political Economy, International Environmental Politics and International Security). The following outline of the methodology of this thesis refers to case study methodology, as this mode of analysis is the most suitable one for discussing the research question and the case of the EU's non-proliferation policies towards India, as we will see.

### **3. METHODOLOGY**

As this thesis takes place within the limits of the discipline of IR, a contextualisation of available methodology for conducting research in the discussed case in the policy field of non-proliferation will be provided in the following. This does not only help to get an overview of the available research methodology in the discussed case, but it aims to open up a discussion-path which will approach the specific methodology utilised in this thesis. The methodology provided in the following serves the purpose of discussing the research question of this thesis, which again aims to refute Manners' theoretical notion of NPE.

Firstly, a number of necessary basic definitions and a contextualisation of previous findings into these definitions will be given, alongside the formulation of the guiding working hypothesis of this research, which has already been provided in the introductory chapter. Secondly, the specific meth-

odology of this thesis will be outlined, referring to the advantages, disadvantages and probable shortcomings of the chosen methodological framework.

The guiding definitions for the terms 'theory' and 'methodology' in this thesis can be found in Sprinz' and Wolinsky-Nahmia's *Models, Numbers & Cases - Methods for Studying International Relations*. For them, theory on the one hand provides

[...] clear and precise explanations for important phenomena. It focuses scholarly attention on puzzles that set the research agenda for students of the field. Ideally, theory should also offer a set of testable and falsifiable hypotheses, thus encouraging systematic re-evaluation of its main arguments through different research methods. (Sprinz and Wolinsky-Nahmias 2007: 4)

According to this, theories do not merely pose dogmas of different IR schools of thinking (such as constructivist, realist or institutionalist schools); they are rather tools to explain phenomena in the social world. George and Bennett note that

Highly general and abstract theories [...] which set aside intervening processes and focus on correlations between the "start" and the "finish" of a phenomenon, are far too general to make sharp theoretical predictions (George and Bennett 2005: 7).

This is not only true for IR, but for all disciplines within the Social Sciences. What this means for the research design of this thesis, is that the theoretical framework which will enable the analytical discussion will be heavily aligned towards the setup of the methodology of this thesis. Methodology namely

[...] refers to systematically structured or codified ways to test theories. Methodology is particularly useful in the context of a progressive research program where hypotheses lead themselves to falsification. (Sprinz and Wolinsky-Nahmias 2007: 4)

While working hypotheses can serve as a starting point of the research, utilising theory in a given methodological framework can lead to the falsification of hypotheses. This in turn leads to theory advancement. The theoretical statement on the EU being a consistent normative actor, which is supported by a growing amount of literature in the discipline of IR, will be challenged against the background of the EU's selective manner in which it employs the non-proliferation clause.

### **3.1. Case study methodology**

Theory advancement often takes place by means of the formulation of new hypotheses, once an existing theoretical hypothesis has been falsified: "Besides formal models, it is mainly case study research that can generate new hypotheses to advance theory building." (Sprinz and Wolinsky-Nahmias 2007: 4). In the following, a basic outline of case study methodology will be provided.



This will help to proceed with the research plan in the following chapter, which includes all specific features of the methodological framework of the thesis.

As mentioned above, case study analysis poses the central methodological concept of this thesis. However, if the targeted theory testing exercise is to succeed, elaboration on which specific mode of case study analysis will be conducted is essential. The working definition for a 'case' in this thesis refers to 'an instance of a class of events', which can also be seen in terms of a social phenomenon of scientific interest. Furthermore we note that,

A case study is thus a well-defined aspect of a historical episode that the investigator selects for analysis, rather than a historical event itself. The Cuban Missile Crisis, for example, is a historical instance of many different classes of events: deterrence, coercive diplomacy, crisis management [...]. A researcher's decision about which class of events to study and which theories to use determines what data from the Cuban Missile Crisis are relevant to her or his case study of it. (George and Bennett 2005: 18)

For George and Bennett, various modes of case study methods exist:

[...], we define case study methods to include both within-case analysis of single cases and comparisons of a small number of cases, since there is a growing consensus that the strongest means of drawing inferences from case studies is the use of a combination of within-case analysis and cross-case comparisons within a single study or research program. (George and Bennett 2005: 18)

While the specific case selection will take place in chapter 5.2., at this point it is feasible for the following elaborations to hint at the *overall case*, which is the EU's conduct of foreign policies or external actions. This case has specifically been selected in order to test Manners' notion of NPE in the policy-area of non-proliferation. The specific *within-case study*, which sets the scope for the theory testing will be outlined later on. In the following, an overview of possible pitfalls, limitations and shortcomings of case study methodology will be provided.

First and foremost, we note that *case selection bias* potentially poses a severe problem, which

[...] is commonly understood as occurring when some form of selection process is either the design of the study or the real-world phenomena under investigation results in inferences that suffer from systematic error (George and Bennett 2005: 23)

Such biases can occur when the cases or subjects are self-selected or when the researcher unwittingly selects cases that represent a truncated sample along the dependent variable of the relevant population of cases (ibid.). Furthermore, the selection of the dependent variable (or outcome variable) can possibly preselect causal paths and variables being used in the study and anticipate a research result, thus leaving the actual research without added value. It must be noted that case study researchers sometimes deliberately choose cases in cross case comparison that share a particular

outcome. As this thesis will comprise a single case study/within case methodology, this pitfall can be ignored. (George and Bennett 2005: 24-25).

Possibly the most dangerous consequence of biased selection could be a research design in which only cases whose dependent *and* independent (input/outcome) variables vary, furthermore ignoring cases which appear to contradict the theory. A typical result of this would be following overgeneralisations from these cases to wider populations (George and Bennett 2005: 23-26). As the research focus of this thesis is set onto a single policy area, this danger is a real threat. However, as mentioned above, the analysed case study in the selected policy field is seen in terms of *one case study among other possible ones* and findings will therefore only be regarded as valid in the specific chosen policy context. It is crucial to bear in mind that more case studies on varying foreign policy areas would need to be conducted, if the theoretical notion of NPE was to be refuted to a greater extent. For the research aim of this thesis, namely to analyse the normative consistency of the EU's non-proliferation policy in order to refute Manners' notion of NPE, the chosen research focus is sufficient.

A coherent research design must be depicted in order to avoid these possible pitfalls and shortcomings, which will be provided in the following chapter.

### **3.2. Research plan/Designing the case study research**

According to George and Bennett, "[t]here are three phases in the design and implementation of theory-oriented case studies." (2005: 73). Firstly, objectives, the design and the structure of the research need to be formulated. Secondly, each case study is carried out according to the design. Thirdly, and what concludes, is relying on the findings of the case study in order to assess its contribution to the research objective of the study. While the first phase is specifically discussed in this subchapter, the design of phase two and three will take place in the subsequent subchapters of this thesis. According to this notion, this chapter prepares the actual conduct of research in the thesis and can therefore be seen as conclusive, focusing and summarising remarks towards the specific methodology of the thesis. All of the following elaborations draw heavily on the previous content- and theory-related findings.

Within the first phase, five different tasks must be distinguished which are "[...] relevant not only for case study methodology but for all types of systematic, theory-oriented research." (George and Bennett 2005: 73). If the research design phase is not carried out carefully, "[...] it will be difficult to achieve the research objectives of the study" (George and Bennett 2005: 73-74). Thus, complet-

ing the five tasks mentioned by George and Bennett will help to define an effectual research design which will enable the theoretical discussion of the thesis.

### **3.2.1. Task one: Specification of the problem and research objective**

The first task refers to the specification of the research problem and the connected research objective, which are both closely connected. The research objective "[...] constrains and guides decisions that will be made regarding the other four tasks." (George and Bennet 2005: 74). More precisely, a disquisition of gaps in existing knowledge and the acknowledgement of contradictory theories must take place. Furthermore, given evidence (such as data) must hint at inadequacies in the explanatory capability of existing theories (ibid.).

The research objective can be abstracted from the theoretical puzzle that can be found within the case of the EU's non-proliferation policies. It is helpful for the research design to refer to the working hypothesis and the research question as stated above. The research objective is to verify or falsify whether the EU is consistently acting according to its self-set normative foundations and rationales in the policy domain of non-proliferation. Through targeting this research objective, theory testing of the theoretical notion of NPE will take place, as the research of this thesis will challenge the notion of the EU as a consistent normative actor. While six types of theory building with varying research objectives exist, this thesis will focus on 'theory testing' of Manners' NP framework, in which "case studies assess the validity and scope conditions of single or competing theories." (George and Bennett 2005: 75-76). Case study methodology specifically lends itself in the selected topic, as Manners himself utilises case-study methodology to reach his conclusions.

### **3.2.2. Task two: Developing a research strategy: specification of variables**

In designing case study methodology, it is helpful to think in terms of independent and dependent variables. Dependent variables are outcome variables, they must be seen as more or less fixed variables that are to be explained or predicted (George and Bennett 2005: 80-81). The specification of the research problem or the research objective (see task one) is closely related to the dependent variable: The specific dependent variable in the research of the thesis is *the consistency of normative policy-actions of the EU as an actor in the non-proliferation regime*. The discussion on the notion of the EU as a normative actor is preceding and thus formulating the outcome variable.

Independent (or intervening) variables on the other hand are variables discussing the dependent variable (George and Bennett 2005: 80-81). In the course of discussing the outcome variable as stated above, all of the EU's policy documents and position papers mentioned in chapter two serve

as independent variables. They explain the course of development of the EU's capabilities in the chosen policy domain, leading to the final notion that *the EU is a normative actor* per definition. The discussion of this takes place on the 'Case: The EU's non-proliferation policies' <sup>10</sup> level of analysis. (-Independent Variables set 1-)

The second set of independent variables is the dataset of bilateral mixed agreements between the EU and third states that have included or excluded the non-proliferation clause <sup>11</sup>. The discussion of this takes place on the 'Case study/theory development: The EU's non-proliferation policies towards India' <sup>12</sup> level of analysis.(-Independent Variables set 2-) As the available data suggests, a theory building exercise takes place in the analytical chapter of this thesis which dismisses the notion of 'the EU as a consistent normative actor' and subsequently lead towards the notion of 'the EU not fully and consistently acting according to its own normative basis'. The second set of independent variables must therefore be regarded in terms of intervening variables which interrupt the chain of causality from the first set of independent variables.

These various lines of variables must be seen in direct connection to the working hypothesis of the thesis. While the first set of independent variables supports the hypothesis of *the EU as a consistent normative actor in the non-proliferation regime*, independent variable set 2 leads to the falsification of this hypothesis and therefore accounts for theory testing.

### **3.2.3. Task three: Case selection**

According to George and Bennett, the third task in designing a case study is the specific selection of the case or cases in which the case study will take place (2005: 83). In the case of the research of this thesis, this task carries important implications, as it is through the following exercise, that the specific research focus can be localised. The overall case is the EU's conduct of foreign relations or external actions. The subfield is the EU's non-proliferation policy, in which the case study and thus the theory-development can be localised. The case study of the thesis is, as mentioned above, a within-case study/single case study of the EU's non-proliferation policy towards India.

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<sup>10</sup> As described in chapter 3.2.3.

<sup>11</sup> The data requirements will be discussed in chapter 3.2.4.

<sup>12</sup> As described in chapter 3.2.3.

Case: The EU as an actor in the international political system
↓ ↓ ↓ ↓ ↓
Subcase: The EU's foreign policy actions
↓ ↓ ↓ ↓ ↓
Subcase: The EU's non-proliferation policy
↓ ↓ ↓ ↓ ↓
Case study/theory development: The EU's non-proliferation policies towards India

While the selected case of the EU's non-proliferation policy does not contain a comparative dimension in this thesis, the results of the theory development exercise in the case study can be seen as a test case next to other possible cases in the same policy area of foreign relations/external actions.

"Often researchers begin their inquiry with a theory in search of a test case or a case in search of a theory for which it is a good test" (George and Bennett 2005: 83). The original interest in the selected case study in the thesis stems from the notion of "the EU as a normative actor". The selection of the specific case of the EU's non-proliferation policies has been followed subsequently as to the availability of data supporting a constructive theory testing exercise. The selection of available data will be discussed in the following chapter.

#### 3.2.4. Task four and five: Describing the variance in variables and the formulation of data requirements & general questions

George and Bennett note that

[T]he case study method will be more effective if the research design includes a specification of the data to be obtained from the case or cases under study. Data requirements should be determined by the theoretical framework and the research strategy to be used for achieving the study's research objectives. (George and Bennett 2005: 86)

Bearing the research objective of discussing the normative consistency of the EU's non-proliferation policy in mind, the two independent variable sets correspond with two datasets, both being part of the analysis in the thesis. The first dataset (which corresponds with the first independent variable set) will be analysed by means of a disquisition on the institutional development of the EU's foreign policy and non-proliferation policy and institutions. The notion of a *hypothetical normative consistency* of the EU's actions in the non-proliferation regime will stand as the result of this. The second independent variable set (which is the intervening variable) accounts for the second dataset, which refers to the specific formulation and the inclusion/exclusion of the non-proliferation clause into bilateral mixed agreements between the EU and third states. The resulting statistical exercise and analysis of simple design will suffice to support the notion of the 'EU *not* being a consistent normative actor in the non-proliferation regime', therefore falsifying the working hypothesis of this thesis. Both discussions are incrementally linked to the theoretical framework as they pose the theory-testing exercise, as outlined above.

The discussion of the working hypothesis is therefore taking place by means of both, the treaty-related and institutional development of the EU's non-proliferation capacities, as well as the dataset of compliance/non-compliance with self-set standards and norms by means of the inclusion/exclusion of the non-proliferation clause. By following this specific discussion-path, a falsification and revoking of the notion of the EU being a normative actor in the non-proliferation regime will be stated. On the contrary, a demonstration that the opposite is the case will take place: Furthermore, this aims to highlight the need of further research on the EU's normative qualities in different policy areas.

#### 4. BACKGROUND: THE EU'S ACTORNESS IN THE CONTEXT OF THE INTERNATIONAL NON-PROLIFERATION REGIME

The following depiction of the EU as an actor in the international non-proliferation regime takes place in terms of a sequentially organised discussion. In doing so, the 'actorness' of the EU itself will be examined in greater detail by means the following steps:

Sequence				
Actor (EU)	Actors' tools for implementing policies	Policy (exporting norms/non-proliferation)	Outcome of policy	Evaluation
→	→	→	→	

This chapter comprises the background and context for the actual discussion of the research question. Accordingly, the first three items from the sequence above will be discussed in chapter 4.. The outcome of the policy as well as the evaluation will follow in chapter 5., which contains the analysis and theory development exercise of this thesis.

In order to analyse the specific 'actorness' and the track record of the EU in the policy field of non-proliferation, the various international non-proliferation regime(s)<sup>13</sup> will be depicted in greater detail. This is necessary in order to provide a contextualisation of the foreign policy actor (the EU) into the wider frame of non-proliferation policy.

After this contextualisation of the non-proliferation regimes surrounding the actor (the EU) and the case study, the actor itself will be classified and positioned within the outlined case-categories mentioned in the methodological chapter on case selection. Accordingly, a positioning of the EU as an actor in the international political system, as well as subsequently outlining the subordinated case of

<sup>13</sup> On an initial note, it is sensible to speak in terms of regimes (plural form), as various treaties are depicted in this thesis. However, the singular formulation will also be employed in the following: It refers to the overall regime against the proliferation of WMD in terms of an inclusive conception. This will further be explained in chapter 4.1.5.

the EU's foreign policy will take place. The 'actorness' of the EU on these two levels of analysis carries implications for implementing policies in both, the international political system, as well as more specifically in the non-proliferation regimes, which will each be highlighted. A disquisition on the development of the EU's institutional setup concerning foreign policies in general, as well as its non-proliferation policy will be provided. The outlining of these is heavily aligned towards the theoretical discussion of the thesis and aims at 'setting the stage' for the discussion of the working hypothesis and the research question in chapter 5.. A deep understanding of the outcomes of EU policy can only emerge if all relevant parts are discussed and put into the appropriate context.

This outlining will additionally serve as a rapprochement towards the selected case study of this thesis. The discussion of the case study takes place in chapter 5.: the outcome of the EU's policies in non-proliferation will be discussed by means of a more general discussion on the specific formulation and the inclusion/exclusion of the non-proliferation clause in mixed agreements on the one hand, as well as by means of the specific case study of the EU's non-proliferation policies towards India on the other hand. This discussion, which stands for the last part of the sequence, includes an evaluation of these findings.

#### **4.1. The international non-proliferation regimes of Weapons of Mass Destruction**

The international non-proliferation regimes of Weapons of Mass Destruction developed in accordance to the grave dangers posed by new weapon technologies. In the following chapter, a working definition for the concept of 'regime' and scholarly views on the international non-proliferation regimes itself will be given. Furthermore, an overview of the existing international non-proliferation framework will be provided, which consists of a series of multilateral agreements and treaties on the various kinds of WMD, namely CBRN weapons and the related material for their production. More specifically, in the following subchapters, four distinct treaties of crucial importance for the overall non-proliferation regime will be discussed: the NPT, the Biological Weapons Convention (BWC), the Chemical Weapons Convention (CWC) as well as the The Hague Code of Conduct Against Ballistic Missile Proliferation (HCoC).<sup>14</sup> In order to set these multilateral treaties into an appropriate perspective for the theoretical discussion of this thesis, normative foundations of the various components of the international non-proliferation regime will be highlighted and emphasised.

In order to gain a full understanding of what these multilateral efforts are directed against, a number of initial considerations on various subject matters must be made in this chapter. Firstly, the concept

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<sup>14</sup> The Comprehensive Test Ban Treaty (CTBT) will not be taken into the consideration in the research as it has not been ratified by eight states, under which the U.S.A., a notable stakeholder of WMD, can be found.

of 'regime' must be elaborated in order to point out that non-proliferation efforts in the international political system are not of short-time nature. Secondly, the concept of Weapons of Mass Destruction and their implications for the non-proliferation regime and the research focus of this thesis will be elaborated. These elaborations pose the background for the discussion of the multilateral agreements that form the non-proliferation regime.

The regime-concept in its widely applicable basic definition refers to a set of implicit or explicit "principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue-area." (Krasner 1983; quoted in: Smith 1987: 253). Furthermore,

[p]rinciples are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice. (Krasner 1983:2; quoted in: Smith 1987: 256)

While this basic definition is applicable to various policy areas, Smith points out that a regime in the area of security-policy carries special features due to the competing nature of security concerns of different states. Furthermore, a simple short-term agreement can also bear the characteristics mentioned above, while a regime's emphasis lies on longevity and sustainability. A regime in the security policy area is characterised by the

[...] infusion of behaviour with principles and norms that distinguishes regime governed activity in the international system from more conventional activity guided exclusively by narrow calculations of interest. (ibid.)

While regimes are flexible and ever-evolving entities, during the course of their development they still crucially depend on their normative underpinnings.<sup>15</sup>

For the sake of the research of this thesis, this notion of the concept of 'regime' must be regarded in connection to normative foreign policy goals, as explained in chapter 2.2.. A regime in the security policy area such as the international non-proliferation regime defies narrowly state-defined possession goals. Instead, due to the long term setup of the regimes, their goals must be regarded in terms of milieu goals as exemplified in chapter 2.2.. A foreign policy actor participating in an institutionalised regime necessarily aims to reach the milieu goals agreed upon within the limits of the regime. However, it is important to bear in mind that this view is by no means complete. Firstly, it is very likely that actors may try to join a given regime in order to undermine the regime's performance in order to achieve own possession goals. Secondly, leverage on deciding which milieu goals are to be achieved within any given regime is distributed unevenly to the various actors performing within

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<sup>15</sup> "If these basic norms and principles should change, then the regime no longer exists" (Smith 1987: 257)



the regime. Accordingly, any institutionalised form of international regimes should be regarded in terms of a dialogue between states' possession goals and their normatively coined milieu goals.

These considerations carry a number of important implications for the non-proliferation regimes of WMD. First and foremost, the normative underpinnings of a specific regime must be highlighted, as this stays relevant during the course of the regime's development, due to the longevity of milieu goals which they get translated into. This differs, for example, from short term possession goals, which constantly change depending on the political, social and cultural discourse within a given state. A regime's basic rationale namely refers to various non-proliferation mechanisms, such as the stop of further proliferation or disarmament and reliance on different organisations, institutions, verification mechanisms and/or sanctions. The performance of various parts of the *overall non-proliferation regime* obviously depends on the initial setup of its sub-regimes, their development ever since as well as the support of the engaged member states.

An understanding of non-proliferation in terms of *merely putting a halt* to the spreading of WMD is problematic. As Brzoska points out, this specific view on non-proliferation is the one of the dominating state powers in the non-proliferation regime, namely the states having the according WMD at their disposal. A second and differing understanding of non-proliferation refers a comprehensive disarmament of WMD of all participating actors in the regime. This notion is mainly carried out in countries within the non-proliferation regime which do not account for these weapons, and which thus do not have the necessary political and/or economic leverage to enforce their understanding of non-proliferation (Brzoska 1992: 217). Varying understandings of non-proliferation exist within the non-proliferation regime, which by definition would have to be based on a unified normative foundation. This leads to Brzoska's convincing main criticism on the debate on unifying normative underpinnings of the international non-proliferation regime of WMD <sup>16</sup>, namely that these diverging views and positions of actors in the regime contradict the very same notion (1992: 216-217).

According to this lack of a shared comprehensive normative underpinning of the overall regime of non-proliferation of WMD, we note that the research of this thesis must employ a specifically self-selected perspective on the non-proliferation regime. While the discrepancy in the conception of the non-proliferation regime of various actors is apparent, the perspective employed here focuses on the EU as an actor in the non-proliferation regime. The research question dictates this focus as it revolves around the EU's normative actions in the policy area of non-proliferation. Accordingly, in order to analyse these, the EU's conception of the non-proliferation regime must be employed in

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<sup>16</sup> or more specifically in his case: nuclear weapons

this thesis. This perspective has not been chosen in order to support any one assessment or evaluation of the arrangement of the non-proliferation regime; the research focus of this thesis simply dictates the employed perspective.

Furthermore, discussions on the non-proliferation regimes take place on two different levels of analysis, namely the unit and the structural level. Motivations for an actor to engage itself in proliferation or non-proliferation and the formation of the normative underpinnings for these motivations take place on both, the level of domestic politics, as well as the level of international politics:

Domestic determinants of proliferation range broadly and include national prestige, civil-military relations, economic costs and technological capacity, and leadership psychology and attitudes towards international norms. The international or structural level of analysis focuses on the determined effort by states to ensure their security [...]. (Litwak 2003/2004: 7)

As to the specifications of WMD, it is widely agreed on that these include weapons based on chemical & biological agents, as well as nuclear and radiological material (Scruton 2007: 730-731).

<sup>17</sup> However, it is at least arguable whether chemical and biological weapons should be considered as WMD or not, as Cirincione et al. point out:

Chemical weapons are easy to manufacture, but they inflict relatively limited damage over small areas and dissipate fairly quickly. Biological weapons agents can be made in most medical laboratories, but it is very difficult to turn these agents into effective weapons, and prompt inoculation and quarantine could limit the number of victims and the number of victims and the area affected. Nuclear weapons are difficult to produce, but one weapon can destroy an entire city, killing hundreds of thousands instantly and leaving lingering radiation that would render large areas uninhabitable for years. (Cirincione et al. 2005: 4)

While such notions on the actual effectiveness of CBRN weapons must obviously be considered for policy-making, the research conducted in this thesis will follow an inclusive approach. As will be discussed in the following, all non-proliferation actions and initiatives rest on the normative reasoning that CBRN weapons cause unimaginable suffering among warring factions, making no difference between combatants and civilians, thus breaking a number of universal conventions of international law. This is furthermore the indirect foundation of the EU's non-proliferations policies and actions, which will be discussed in following chapter of chapter 4. and the case study of this thesis. The explanations in this chapter take place on the 'The international political system' level of analysis and serve as a contextualisation for the subsequent actor-based discussion on the EU.

The selection of the discussed treaties and their specifications in the following subchapters draw heavily on Hertwig's comprehensive volume on the EU and the fight against proliferation of Weap-

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<sup>17</sup> "WMD: Idiom [...], to denote weapons that will seriously disable a country by killing large numbers of its citizens or destroying vital infrastructure. WMD refer both to nuclear weapons, and to other forms of destructive ordinance, such as chemical agents and biological weapons, which can destroy whole populations [...]." (Scruton 2007: 730-731)

ons of Mass Destruction (Hertwig 2009). Her precise depiction of the development of the various parts of the international non-proliferation treaties and institutions takes place from an 'international law point of view' and will be presented largely unaltered in this chapter, as it accounts for no judgemental or normative statements itself. This neutral display will subsequently serve as a fertile ground for the discussion on normativity and the EU's non-proliferation policies actions within the theoretical discussion of this thesis. It can furthermore be regarded as an external reference point, against which the EU's non-proliferation actions will be discussed.

#### **4.1.1. The NPT**

While the NPT is not the first multilateral treaty against the proliferation of WMD, it has nevertheless gained an abundance of scholarly attention due to its prominent role during the Cold War and the incredibly destructive force of the subject matter it is dealing with. The NPT is the result of a combined effort of 18 countries<sup>18</sup> to limit proliferation of nuclear weapons in the late 1960s, which led to the transmission of a treaty draft to the General Assembly of the UN in 1968. The NPT was eventually ratified in 1970; in the year 2009, 190 states had signed it, which gives it universal validity in terms of international law (Hertwig 2009: 29). The most noteworthy states outside the NPT-framework are India, Pakistan, Israel and North Korea.

The main goal of the NPT is the reduction of the likeliness of the outbreak of an armed conflict involving nuclear weapons and thus (a) nuclear war. It aims to achieve this goal by means of, as the name suggests, the non-proliferation of nuclear weapons. At the centre of these efforts stands the prevention of a spread of technology and material, which can be utilised for nuclear weapons programmes towards additional states (horizontal non-proliferation). Furthermore, the NPT aims to promote nuclear disarmament and the peaceful use of nuclear energy (Preamble NPT; Art. 6 NPT; ref.: Hertwig 2009: 29, Smith 1987: 256-257).

The NPT obligates all nuclear powers<sup>19</sup> not to pass on nuclear weapons or the power of their disposal to any other state (Smith 1987: 27). On the same note does the NPT forbid the transfer of technology or knowledge on how to produce nuclear weapons. The definition of a nuclear weapon refers to all explosive weapons that rely on the principle of nuclear fission for military purposes (Hertwig 2009: 30). Additionally, 'vertical disarmament', which is the disassembling of large numbers of the vast stockpile of US-American and Russian nuclear weapons, is set as a goal of the NPT. It is

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<sup>18</sup> Brazil, Bulgaria, Burma, Canada, Czechoslovakia, Ethiopia, India, Italy, Mexico, Nigeria, Poland, Romania, Sweden, the USSR, the USA, the UAE and GB (Hertwig 2009: 29; footnote 121)

<sup>19</sup> Nuclear powers in the NPT are all states that gained nuclear weapon capabilities and successfully induced an explosion based on nuclear fission before 1.1.1967. These states are: China, the USSR (now the Russian Federation), the USA as well as France and GB (Art. 9, Fig. 3 NPT)

noteworthy that all official nuclear powers (legitimised through the NPT-regime) are permanent members of the United Nations Security Council (UNSC). The NPT came into being due to pressure imposed by the two superpowers of the Cold War on other international actors (Müller 1999: 32).

In regard to the use of nuclear energy, several regulations can be found within the NPT. Most noteworthy is the fact that the NPT grants all contracting states the right to develop, produce and use nuclear energy for peaceful purposes, as long as these states do not break with the treaty requirements mentioned above. This implies that a state whose intention about the use of a nuclear energy programme is unclear, may forfeit its right to use it. The International Atomic Energy Agency (IAEA), which has been established in 1957, is entitled to safeguard and control the peaceful use of nuclear energy by means of Article 3 of the NPT. The IAEA is an autonomous institution which is directly linked to the UN General Assembly and regards itself as an "independent international organization related to the United Nations system" (ref.: Hertwig 2009: 35). The IAEA's ruling body is the 'Board of Governors', which consists of changing representatives from 35 NPT signatory states at whose top the Director General stands. The Board of Governors reports directly to the UN General Assembly, given the case that a state is not complying with NPT and/or IAEA standards of safeguarding nuclear material or actually proliferating nuclear material outside of the NPT/IAEA safeguard framework. These reports can lead to UN resolutions sanctioning non-compliant states. Additional to UN-based resolutions, we note that the IAEA has a list of additional measures at hand (see Hertwig 2009: 37).

In order to adapt the NPT to new challenges in non-proliferation, several review conferences have been held, with mixed results (Müller 2005, Katsioulis and Mölling 2010). One of the more recent trends in national security strategies of nuclear powers leads towards a modernisation of their nuclear arsenals. While reducing the absolute number of nuclear warheads in their reserves, the overall number of deployable warheads has stayed remarkably stable. Modernised nuclear weapons have a wider range of applicability, such as bunker busting bombs with small nuclear warheads show (Hertwig 2009: 33, Schaper 2008: 92).

While the NPT is the most prominently discussed treaty when it comes to non-proliferation of nuclear weapons, it does not contain any specifications against the *use* of nuclear weapons. Although there exists an ongoing discussion in humanitarian international law on whether states are allowed to use nuclear weapons in certain special cases (such as self-defence), the practical impossibility of using nuclear weapons in an armed conflict without setting the world on fire (and subsequently involve civilians and neutral states) must be noted. Some limitations on the use of nuclear weapons

nevertheless exist outside the NPT-regime in form of a series of treaties against the deployment of WMD, such as the Antarctic Treaty from 1959, the Outer Space Treaty from 1967 and the Treaty of Tlatelolco from 1967 (Smith 1987: 257).

All of these designations follow the rationale of the erection of a normatively coined non-proliferation regime against nuclear weapons. According to Smith, the regime's guiding principle is the presumption that

[...] the spread of nuclear weapons into many hands would further jeopardize prospects for international peace and security. [...] Consequently the appropriate behavior for nuclear-armed states is not to assist others in attaining a similar capacity, and for states without a nuclear armory to forego acquiring one. (Smith 1987: 257)

These considerations have directly been translated into specific norms that got manifest in a series of multilateral treaties, or as Smith labels them, two sets of institutions, the first being treaties on geographical boundaries on nuclear weapon use (as mentioned above), the second being the NPT. As will be shown in the subsequent discussions on the various non-proliferation treaties, a similar normative rationale is not only true for nuclear weapons, but also for their biological and chemical counterparts.

#### **4.1.2 The BWC**

Efforts to set out a comprehensive treaty on the non-proliferation of biological weapons date back as far as 1925 when the Geneva Protocol <sup>20</sup> was signed. The Geneva Protocol condemns the "use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices" (Geneva Protocol to the Hague Convention 1925). While the implications from the Geneva Protocol are still valid and entered the status of customary international law, it is by no means comprehensive in nature (Baxter and Buergenthal 1970: 853-854). Due to two respects, it took until the 1970s until a further effort in non-proliferation against biological weapons was made from the side of the USA. Firstly, the East-West divide of the Cold War made it impossible for the erection of an effective non-proliferation regime of biological weapons. Secondly and more importantly, biological weapons played no significant role in military strategies since the end of World War II and thus did not stand at the forefront of attention of discussions in international law (Hertwig 2009: 50-51). Only after the end of the Cold War, a new series of multilateral efforts brought a more comprehensive non-proliferation effort against biological weapons on its way.

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<sup>20</sup> "Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare"

The "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction" (or Biological Weapons Convention: BWC) was presented in 1972 and effectively came into force in 1975. By 2009, 163 states had ratified it (Hertwig 2009: 51). According to the BWC's preamble, a general and exhaustive disarmament of biological weapons stands in the centre of the treaty. Figure 8 of the preamble furthermore aims to fully exclude the possibility of utilising biological agents and toxins for military purposes (Hertwig 2009: 51).

However, this part of the BWC is of contestable nature. Practically all biological agents account for a 'dual-use character', meaning that practically the full set of knowledge needed for biological weapons programmes is also needed for civilian research in medicine or biology. Every pharmaceutical research laboratory could possibly produce the biological agents needed for a weapons programme, merely depending on the intention of the researcher(s). Additionally, the distinction between biological agents produced for civilian research programmes, and the ones for their military counterpart cannot be made. It is due to these specific features of the nature of the proliferation of biological weapons, that no verification system is supervising non-proliferation efforts (Hertwig 2009: 51).

The BWC, similarly to the NPT, initially did not specifically prohibit the use of biological weapons. It does however refer directly to the Geneva Protocol (Article 8 BWC), stating that all obligations and duties from the Geneva Protocol are to be perpetuated. Even more, the BWC review conference from 2006,

[...] reaffirms that the use by the State Parties, in any way and under any circumstances, of microbial or biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I. (BWC Review Conference 2006; ref. in: Hertwig 2009: 52)

Article 1 contains the notion of never developing, producing or storing microbial agents or toxins that could possibly be utilised in non-peaceful ways. Article 3 refers to the prohibits the transfer of biological weapons or agents needed for the development and/or production of these (with or without payment). Furthermore does article 2 Figure 1 of the BWC obligate all signatory states to destroy all agents that have been produced for weapon-usage nine months after signing the treaty at the latest.

However, accountability is the key weakness of the BWC: unlike the NPT, the BWC does not have a verification organisation such as the IAEA at its disposal. While the destruction of biological weapons is legally binding through the treaty, no supranational organisation exists to supervise this

process (Hertwig 2009: 53). The lack of a verification system within the limits of the BWC is yet to be overcome. Instead, so-called 'confidence-building measures' are supposed to take place, which are mentioned in article 5 of the BWC, and which obligate the signatory states to submit annual reports on the state of affairs in biological research, civilian research- and production facilities as well as national security programmes against biological weapons. However, not all participating states have forwarded these reports (less than one third actually take part in the measures). The reports which were actually forwarded have often been incomplete and/or incorrect (Hertwig 2009: 57-59).

#### **4.1.3. The CWC**

The CWC has been signed in 1993 and effectively came into force in 1997, being the result of prolonged multilateral negotiations over the course of twenty years. The treaty prohibits the development, production, storing and use of chemical weapons, which are weapons which are predominantly based on toxic qualities of synthetic compounds (Krause 1998: 22; ref. in: Hertwig 2009: 66-67). In the year 2009, 188 states have signed the CWC, marking its universality under international law (Hertwig 2009: 67). Central to the treaty is, apart from the assignments mentioned above, also a full disarmament of chemical weapons of all signatory states (Preamble CWC). The treaty furthermore notes that all signatory states agree to comply with the criteria on non-proliferation of chemical weapons mentioned in the Geneva Protocol from 1925.

In order to achieve these high aspirations, an effective verification system surveying the disarmament and non-proliferation of chemical weapons has been established alongside the treaty. The 'Organisation for the Prohibition of Chemical Weapons' (OPCW) surveys all civilian and military chemical production and research facilities in order to achieve the impossibility of the use of chemical weapons in the future (Hertwig 2009: 74-75). Similarly to the IAEA, the OPCW is an autonomous organisation associated to the UN.

All signatory states are obliged to hand in a comprehensive report concerning existent materials relevant to the production of chemical weapons within thirty days after the signing of the treaty (Hertwig 2009: 69). While the treaty also carries the notion of an obligation of all member states to immediately set an end to producing chemical weapons and destroying all stockpiles of already produced weapons within ten years after signing the treaty, the sheer amount of existing chemical weapons in a number of countries poses an obstacle to achieving this goal. Especially the Russian Federation and the U.S.A. have to be mentioned on this note, who account for 40.000 respectively

13.500 tons of the worldwide stockpile of 70.000 existing tons of chemical weapons (Hertwig 2009: 68-69).

The matter of the delay in destroying chemical weapons stockpiles has been addressed in two review conferences of the CWC in 2001 and 2008. However, the controversy revolving around this remains unresolved, as the political statement of the conferences indicates. On the one hand, it further underlines the importance of fulfilling the requirements of the CWC and it renews the obligations of all member states to actively engage in non-proliferation and the destruction of all existing stockpiles. On the other hand, the delaying countries have not been rebuked officially (Hertwig 2009: 70-72). Additionally, much needed reforms within the CWC regime have not taken place as Meier points out: not only have new chemical agents not been addressed and included within the list of prohibited chemical agents, but also are modern, highly flexible production facilities not supervised as thoroughly as 'classic' facilities (Meier 2008: 174; ref. in: Hertwig 2009: 72).

#### **4.1.4 The HCoC**

The HCoC dates back to the Missile Technology Control Regime (MTCR) which started off in 1987 by a G7-led initiative. It was planned to contain harsh export control mechanisms which foresaw widespread cooperation of the MTCR member states against the proliferation of ballistic missiles. As the export control tools of the MTCR were considered insufficient, a series of meetings of MTCR member states officials led to the ratification of the HCoC by 93 member states in 2002, a number which has increased to 130 member states in 2009 (Hertwig 2009: 84). The executive secretariat of the HCoC can be found in Vienna, Austria, within the premises of the Austrian Ministry of Foreign Affairs. The HCoC is considered to be potentially the strongest normative multilateral effort in controlling the international proliferation of ballistic missiles. Its effects however are not tangible, yet, due to the absence of states crucial to the non-proliferation of ballistic missiles such as India, Pakistan, Iran, Israel and North Korea, which all have ballistic missile capabilities at their disposal (Hertwig 2009: 84-85). Also has the threat of proliferation towards non-state actors not been addressed at all by the HCoC (Hertwig 2009: 89).

It is noteworthy that the HCoC is not UN-based due to its strictly multilateral nature, additionally is the included 'codex of political nature' not legally binding. However, in order to establish bonds between the HCoC and the UN in order to strengthen its effects, a UN-resolution acknowledging the efforts and the importance of the work of the HCoC was ratified in various general assembly meetings of the UN. The resolution further invites "[...] all states that have not yet subscribed to the



Code of Conduct to do so" (UN 2011: 2). The HCoC ultimately aims to achieve universality under international law.

The HCoC carries a number of important implications which are all of inherently normative nature. Firstly do all ratifying states agree on working actively against the proliferation on their own as well as cooperating internationally to pursue the same goal (HCoC: Figure 2, pos. a). Secondly, it states that participation in the HCoC is voluntary and generally open for all states to join (Figure 2, pos. d). Thirdly, all ratifying states maintain the freedom of utilising space for peaceful purposes, as long as cooperation in this field does not lead to proliferation of ballistic missiles internationally (Figure 2, pos. f). This also carries the implication that space programmes must not be used to conceal programmes for ballistic missiles (Figure 2, pos. g). Last but not least, states agree on the need for creating more transparency in ballistic missile programmes, as well as increasing international cooperation and trust in order to foster non-proliferation of ballistic missile technology (Figure 2, pos. h) (Hertwig 2009: 85).

While the HCoC is not directed against the possession of missile technology, it is rather defined to function as a tool against the further spread of such technology by means of multilateral efforts. Thränert furthermore points out that transparency and accountability of states that have ballistic missile technology at their command stands in the centre of the HCoC (2005: 27, referred to by: Hertwig 2009: 86).

As to the specifications of ballistic missiles, a number of considerations are noteworthy. Without the according modes of deployment, a WMD is rendered useless as it cannot be targeted properly, neither does it function as a deterrent. While this is at least true for state actors, the same does not necessarily apply to non-state actors such as terrorist or paramilitary organisations. Due to the compactness of a nuclear bomb (especially a 'dirty bomb'<sup>21</sup>), an abdication of technologically advanced deployment systems is possible: it could simply be smuggled into a harbour or some other place in the enemy territory (Beaton 1968: 37). Nowadays, ICBMs (Intercontinental Ballistic Missiles), SLBMs (Submarine Launched Ballistic Missiles) launched from nuclear-powered submarines and bombing planes with stealth technology form the peak level of technological development. These weapons have a worldwide reach and function as a deterrent in a classic militarily coined thinking of security. We note that an estimated 95% of this high-level technology is only available to the militarily most powerful and technologically advanced states on the planet (Van Crefeld 2006: 21).

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<sup>21</sup> A "dirty bomb" is no nuclear bomb per definition, as it does not rely on nuclear fission. Rather, a regular explosive is spreading radioactive particles of non-enriched uranium over a large area. The effect of this would render the affected area uninhabitable and would account for large economic damage.

#### 4.1.5. Conclusions

The previous deliberations were made in order to achieve a number of objectives for the following analysis of the EU as a non-proliferation actor. Firstly, a multilateral and supranational non-proliferation framework, which is directed against all kinds of Weapons of Mass Destruction, as well as against research on these and their modes of their deployment exist in the form of various treaties. As the previous chapters have shown, these treaties are effective to varying extents, each dependent on the participating actors' will to engage themselves in them. Secondly, the sum of these treaties can be regarded in terms of one overarching non-proliferation regime: while it is true that the treaties have been realised through different means and with a varying degree of participation, they still account for a very similar initial normative reasoning, *namely the key-notion that WMD of any kind are inhumane weapons which must be banned from the surface of this planet*. This notion can be regarded the currently most prominent and best-organised milieu goal of the international community in terms of non-proliferation.

Furthermore, this chapter has shown that non-proliferation actions and policies per se are normative by nature, as norms "[...] are standards of behavior defined in terms of rights and obligations", which is precisely what treaties discussed aim to achieve (Krasner 1983:2; quoted in: Smith 1987: 256). Accordingly, it is feasible to analyse actors in regard to their consistency and adherence to self-set norms in this policy field, and how this affects actors' foreign policy actions and behaviour. In the following, a disquisition on the EU as a foreign policy actor and as a non-proliferation actor will be depicted. The author of this thesis deems it important to lay open the various developmental steps of the EU towards the status quo as only by attaining this knowledge, a deeper running understanding of the normative rationales discussed in this thesis can emerge.

#### 4.2. The EU as a foreign policy actor in the international political system

The following subchapter aims to show how the EU's contemporary foreign policy structures came into being. A framework based on the institutional development of the EU in matters of foreign, security and defence policy and the *relevant* institutional actors in regard to non-proliferation will stand as the result of the following chapter. This does not only pose a mere contextualisation of the EU's internal structure. Even more, it will help to further narrow down the theoretical focus onto the discussed case study in the following analysis. On this note, this chapter goes hand in hand with the outlining of the theoretical and methodological setup of the thesis as depicted in chapters 2. and 3.. We note that the discussions of this chapter must be located within the 'Case: The EU as an actor in the international political system' level of analysis.

Starting as early as 1951, European integration can be regarded in terms of a long political process with changing objectives during its course of development. Initially running under the label of the 'European Coal and Steel Community' (ECSC), Belgium, France, Germany, Italy, Luxembourg and the Netherlands aimed at approximating and interlinking war-relevant economic sectors. In 1957, the Treaty of Rome established the European Economic Community (EC), which led to a more integrated common market in terms of the liquidation of tariff barriers within the EC, and the erection of a common external tariff and a common market for goods, services, capital and labour. Also within the reach of the Treaty of Rome, the European Commission (Commission), the Council of Ministers, the European Court of Justice (ECJ) and the Common Assembly were introduced. Initially, the listed actors performed various steering actions in terms of the policy areas covered by the Treaty of Rome, leading to a supranational character of the early EC with binding decisions for the member states (Van Oudenaren 2010: 16).

However, policy actions in the domains covered by the Treaty of Rome were solely oriented inwards, not reaching out to foreign and defence policies, which were rather dealt with by means of bilateral agreements (intergovernmentalism) or within other organisations, such as the NATO. The absence of the foreign and defence policy-formulations from the side of the EC was only breached due to its role as an economic entity, such as in the negotiations in the General Agreement on Tariffs and Trade (GATT):

Matters of "high politics", however, and security and defense policy in particular remained off limits to the EC, as the member states had no interest in diluting their sovereignty in this politically sensitive area or in weakening NATO, which was seen as Western Europe's ultimate guarantee against the Soviet threat. (Van Oudenaren 2010: 17)

This inwardly oriented notion of political action first changed notably with the erection of the European Political Cooperation (EPC), which was agreed upon by the leaders of the EC-states at the December 1969 Hague summit which posed as a basis for the member states "[...] to consult on questions of foreign policy and, where possible, take common actions with regard to international issues." (Van Oudenaren 2010: 18; Hertwig 2009: 5). Subsequently, the EC consistently built up a foreign policy profile. This got notably enhanced through the establishment of the European Council in Paris in 1974, which was meant to be a meeting ground for the leaders and governments of the member states on which common policy guidelines on internal as well as on external issues concerning the EC as a whole could be agreed upon. Nevertheless did foreign policy cooperation stay

intergovernmental, as examples of varying foreign policy positions of member states from various historical examples show <sup>22</sup> (ibid.).

In the 1980s, the growing enlargement agenda of the EC towards the Mediterranean did not only serve as a stabilising measure on the European continent, but even more prepared the EC for projecting its influence elsewhere - namely towards the East once the Cold War was over (Van Oudenaren 2010: 18). In 1986, the EC-wide ratification of the Single European Act (SEA) did not only create a single market, but also led towards foreign policy cooperation being an obligatory rather than a voluntary act. First EC-based agreements under international law took place subsequent to the ratification of the SEA (Van Oudenaren 2010: 19, Article 1: clause 1 and 3, Article 3: clause 2, Article 30 SEA). The reactivation of the Western European Union (WEU) in the 1980s on the initiative of François Mitterrand is noteworthy in regard to security and defence policy, as it functioned as an additional meeting ground for foreign ministers and defence ministers on a regular basis (twice a year). Already in 1987, the seven member states of the WEU had integrated their strategic planning capacities to such an extent that military operations could be coordinated sufficiently (Van Oudenaren 2010: 19). In 1992, the WEU adopted the Petersberg tasks, which were designed in order to deal with a possibly destabilised Europe in the transition period after the fall of the Soviet Union. These included humanitarian, rescue, peacekeeping and crisis management tasks (WEU 1992).

While seemingly becoming a more and more integrated foreign policy actor towards the end of the 1980s, the rapid and cataclysmic developments of the years 1989 and 1990 took the EC fully by surprise. While fear was widespread that the process of European integration would come to a halt with the reunification of Germany in 1990, German chancellor Helmut Kohl and French president François Mitterrand quickly reassured to strive for a stronger political union in Europe. This notion led towards a series of intergovernmental conferences (IGC) at which end-result the Treaty of Maastricht stood, also known as the Treaty on the European Union (TEU) (Van Oudenaren 2010: 20-22).

Through the specifications of the TEU, the EU was formally based on a three-pillar structure. In regard to foreign policy actions, the second pillar of the EU is most noteworthy. It included the former EPC, which was renamed into the Common Foreign and Security Policy (CFSP) and which experienced a credible enhancement on common positions in foreign policies,

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<sup>22</sup> such as differing positions during the Arab-Israeli War of 1973, e.g.

[...] which included safeguarding the fundamental values and interests of the EU, strengthening the security of the EU and its member states, and promoting international cooperation and democracy and human rights. (Van Oudenaren 2010: 23)

Even more did the TEU specify that the CFSP "[...] shall include all questions related to the security of the Union, including the eventual framing of a common defense policy, which might in time lead to a common defense." (TEU: Article J.4; quoted in: Van Oudenaren 2010: 23).

In these early days of the EU after Maastricht, the most pressing foreign policy issue was the yet unresolved future development of Central, Eastern and South-Eastern European countries which had previously been under influence of Soviet Russia. On the medium-term, many of these countries were given a real existing perspective of joining the EU, in case they fulfilled the so-called Copenhagen Criteria, which resulted from a session of the European Council in Copenhagen in 1993 and which prescribe a set of criteria concerning economic and political standards which correspond widely to EU-standards (Van Oudenaren 2010: 23). However, as the case of former Yugoslavia shows, the EU was clearly not prepared for active crisis management including coordinated and organised military action. Experiencing 'ethnic cleansings' in its direct neighbourhood and being displayed as a poor performer of security on the European continent in the international arena led towards a series of further EU-treaties that aimed to enhance the performance-capabilities of the CFSP framework.

This led to a new series of treaties, such as the Treaty of Amsterdam in from 1997, the 'Declaration on European Defense' resulting from a meeting between Chirac and Tony Blair in Saint Malo in 1998 and the Treaty of Nice in 2001. As Van Oudenaren points out, these treaties from the end of the 1990s mark the beginning of a "new round in its seemingly permanent quest for institutional reform." (2010: 27). Additionally, pressure was rising to create *fait accompli* before the admission of new member states from Eastern and Central Europe into the EU in the 2000's:

The admission of twelve or more member states would mean some dilution in the relative power of the existing members, and the 1999-2000 IGC was in some respects an attempt by the latter to rewrite the "rules of the game" before new members joined and would have a full say in any future reforms. (Van Oudenaren 2010: 27)

Firstly, The Treaty of Amsterdam from 1997 on the other hand is noteworthy in regard to foreign and defence policies mainly due to two respects. On the one hand, the position of the High Representative for CFSP was created in order to give the EU's foreign policy a single voice in international meetings and conferences. On the other hand did links between the EU and the WEU become more concrete in order to include the operational capabilities of the WEU into the EU's CFSP framework, which included the Petersberg tasks into the EU (Van Oudenaren 2010: 26).

Secondly, the Saint Malo declaration is referred to as a concrete initial step towards a "capacity for autonomous action" for the EU, introducing a 50.000 to 60.000 contingent of soldiers for peace-keeping and humanitarian intervention (Van Oudenaren 2010: 27). However, the EU again was not able to prevent the outbreak of the Kosovo crises which erupted in 1998. Again, NATO had to intervene at the EU's doorstep. Still, while the EU failed in providing military crisis management assistance in the crises on the Balkans, Oudenaren argues that

[...] the EU played an important - indeed by far the most important - role in postwar reconstruction and assistance. This was in line with the EU's long-established role as a civilian power and drew on the same capacities that the EU had developed to assist the Central and Eastern European countries to prepare for EU membership by helping them rebuild their economies and political systems. (Van Oudenaren 2010: 27)

Finally, the Treaty of Nice from 2001 led to internal reform and included a 'Charter of Fundamental Rights of the European Union'. It was however marked by disputes between the member states as to whether they should grant central EU-institutions more direct power or not. In regard to foreign policy, no incremental changes in the CFSP guidelines were made. However, the Treaty of Nice functioned effectively as the legal basis for the admission of the new EU member states in the 2000s (Van Oudenaren 2010: 28).

While these treaty advancements helped the EU to take its first steps as a foreign and security policy actor, experiences from the three-pillar structure of the EU and a lacking legal accountability of the EU itself in various policy fields led to the decision of the European Council to conduct a series of meetings involving the Commission, The European Parliament (EP) and member state governments in order to draft a constitution for the EU (Van Oudenaren 2010: 28). While the constitution eventually did not manage to get pulled through due to rejections from national referendums, various steps for overcoming problems within the EU's institutional foreign policy structure were made by means of the compensating Lisbon Treaty, which was finalised in December 2007.

The ratification of the Lisbon Treaty must be regarded as outstandingly important for the development of the structure of the EU's foreign policy institutions, while many of the designations found in the Lisbon Treaty are based on earlier treaties. Title V, chapter 2 of the Lisbon treaty is founded on the EPC-principles from 1969, which was back then no binding policy regime and which solely relied on declarations of intent from the foreign ministers of the member states, as mentioned above. By means of the SEA, which can be seen as the first step towards binding determination of the EU/EC in international law, the EU took its first steps towards international accountability. Furthermore does the same chapter of the Lisbon Treaty contain regulations from the CFSP section of the TEU from 1992, which was updated by the Treaty of Amsterdam in 1997 and the Treaty of Nice

in 2001. Therefore, the Lisbon Treaty can be seen as a result from these treaties (Hertwig 2009: 5-9).

The Lisbon Treaty did nevertheless incrementally change the internal structure of the EU as a whole by overcoming the former three-pillar structure and creating a single legal personality. We note that this drastically increased accountability of the EU as an actor in the international political arena. The new post of the 'High Representative for Foreign Affairs and Security Policy' (HR) is a combination of the former 'High Representative for CFSP' and the Commission-member responsible for external affairs. The HR and the EEAS are prime examples for how the EU managed to achieve most of its goals concerning foreign policy reform inside the Lisbon Treaty, such as creating a "single telephone number" of the HR in the new EU structure, as accurately described by Van Oudenaren (2010: 29). The EEAS was introduced in 2010/2011, based on decisions made in the Lisbon Treaty. The EEAS serves as the new, full-scale diplomatic service of the EU. It includes the former CFSP, the EU's 'Civilian Planning and Conduct Capability' (CPCC), which serves as the civilian crisis management capability, the Crisis Management Department, the European Military Staff (EUMS)<sup>23</sup>, as well as various regional directorates (ibid.)

This overview of the development of the EU's foreign policy institutions will help to contextualise the EU's non-proliferation capabilities in the following and to understand the rationale behind the development of the specific non-proliferation tools and policy formulations. Addressing the question of *why* the EU has developed in its given way is important, if the presented thesis is to deal with the normative foundations of the actual non-proliferation policies of the EU.

#### **4.3 The EU's institutional and normative setup in non-proliferation policies**

The following chapter comprises the development of the EU's non-proliferation institutions and their capacities as well the development of the EU's non-proliferation policy framework. This will help us to discuss the EU's non-proliferation policy against the background of its normative foundations in the following chapters.

The track record of the EU's non-proliferation efforts is a debatable one, as widely varying opinions on and notions of it indicate. These range, as Kienzle points out, from the EU having performed well despite its structural restraints, to more sceptical notions due to the EU's internal divisions and resulting problems regarding substantial and tangible outcomes (Kienzle 2013: 1144, Zwolski 2011, Pardo 2012, Van Ham 2011, Cornish and Edwards 2005). In the following, a disquisition on both,

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<sup>23</sup> which used to operate inside the CFSP

the development of the EU's non-proliferation structures and capabilities, as well as a brief overview of scholarly evaluations of these will be given in order to draw a coherent picture of the much debated current position of the EU in the international non-proliferation regime. This discussion can therefore be located within the 'Case: The EU's non-proliferation policies' level of analysis as depicted in the methodology chapter. The subsequent analytical discussion of these will furthermore take place against the background of a theoretical framework which will be abstracted from the designations made in chapter 2..

Zwolski convincingly points out that it is important to assess the *sui generis* nature of the EU. However, in this thesis it will be argued that a holistic and comprehensive understanding of the "evolving entity, composed of numerous issue areas and policy networks, neither a full-blown polity nor a system of sovereign states [...]" that the EU is, can only stem from a deeper running historical understanding of how its various parts came into being. Furthermore, the EU's drivers and motivations for developing these single parts must be revealed in order to discuss its single parts and actions in specific policy areas (Jupille and Caporaso 1998: 214; cited in: Zwolski 2011: 479).

The development of the European Union's efforts in non-proliferation dates back as early as the starting days of the ECSC, alongside which the European Atomic Energy Community (EURATOM) came into being through the Rome Treaties in 1957. EURATOM is "[...] endowed with far-reaching competencies in the civilian nuclear industry of the Member States, including the operation of a verification and inspection system for the civilian fuel cycle." (Portela 2004: 2). This role was introverted to inner-European civilian nuclear issues and therefore need not be seen in direct context with external proliferation of WMD-related material.

Later on, by means of the EPC in 1981, the EC overcame the formerly solely internally carried out notion of nuclear safety by "[...] bearing responsibility for external commercial nuclear relations, [...]", subsequently carrying out the formerly internal role of EURATOM externally in international forums and conferences by means of a working group that was set up by the European Council (Portela 2004: 2). This role contained a non-proliferation notion which was promoted by means of common statements of the member states in the UN and the Nuclear Suppliers Group (NSG), "[...] concentrating on the field of safeguards and nuclear transfers." (ibid.).

Before the TEU in 1992 and the CFSP which came with it, "[...] European cooperation on non-proliferation was informal and non-binding." (Zwolski 2011: 480; Smith 2002). It was nevertheless existent, as various examples from this stage of institutional development show. One notable example for this is the external technical assistance to the former Soviet Union, which was based on legal



instruments from the first pillar of the European Community (EC) framework. This effort was geared towards safeguarding and hindering proliferation of CBRN material in post-Soviet Russia. They were based on Article 249 of the Treaty Establishing the European Community (TEEC) and led to the Technical Aid to the Commonwealth of Independent States (TACIS) programme (Zwolski 2011: 481). By means of the ratification of the SEA in 1986, which aimed at the erection of a *de facto* single market inside the EU, economic aspects of security were taken also into consideration. These included energy security and connected nuclear energy safeguards (Portela 2004: 3).

However, only by means of the CFSP as the second pillar of the newly formed European Union, the Union then had two more precise legal instruments at hand for engaging in non-proliferation actions, namely the formulation of common foreign policy positions as well as joint action plans. The EU's member states subsequently coordinated their positions on non-proliferation by means of these two foreign policy tools from the TEU onward, as Zwolski points out (2011: 481). On this note must the TEU and the CFSP be seen as a qualitative leap forward in foreign policy coordination of the EU member states, "[...] of which security is an integral part." (Portela 2004: 3).

As the EU's foreign policy capacity gained more shape with the CFSP, this development inevitably had an impact on the EU's role in non-proliferation policies and actions. As Portela notes, the EU's campaign for the indefinite extension of the NPT in 1995 was an important milestone of appearing as an actor in the international non-proliferation regime, e.g. (ibid.). The extension can also be seen as a hint to the unconditional support of UN-based multilateralism in non-proliferation, which got further specified later on in the 2000s. The EU has stressed on numerous occasions that its efforts in non-proliferation go hand in hand with the efforts of the United Nations in the field, as stated later on in the ESS and the ESS-Update from 2008 (Council 2003e, Council 2008: 11).

However, as Zwolski points out, these efforts lacked an "overall political direction" (2011: 478). Only by means of the ESS from 2003, a more clearly defined general statement concerning EU-related (and Europe-related) security came into being. Within the ESS, specific passages on the non-proliferation of WMD can be found, in which proliferation of WMD is labelled as "potentially the greatest threat to our [<sup>24</sup>] security" (Council 2003e, 2003b, Portela 2004: 2, 23-29, Kienzle 2013: 1143, Zwolski 2011: 478). Nevertheless did the ESS "not go into detail about how to accomplish the mainstreaming of non-proliferation policies into the EU's external relations" (Grip 2009: 3). <sup>25</sup>

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<sup>24</sup> meaning the EU's and Europe's (not clearly defined in the document)

<sup>25</sup> for more information on the ESS-specifications on non-proliferation issues, see Kienzle 2013: 114

Connected to this stands the EU's WMD-strategy which was in fact agreed upon earlier in 2003, before the publication of the ESS. It aims to express a more specified, coherent EU strategy to address the threat of proliferation. At this turning point of the EU's non-proliferation capacity development stands the erection of a single secretariat dedicated to non-proliferation issues. The secretariat is situated within the premises of the European Council, further adding up to the developing institutional structure of the EU in this field. Within the WMD strategy document, a precise evaluation of the threat that WMD pose to the EU's security takes place. The ESS, its updated versions as well as the WMD Strategy thus pose the most concrete non-proliferation statements that the EU had ever launched (Council 2003c).

Apart from these Council-based policy-statements, the specific structural setup of the EU in foreign policy matters has to be taken into consideration when evaluating the 'actorness' of the EU as a non-proliferation actor, as this has direct impacts on the EU's capacity and efficiency in policy actions. Apart from the Council, also the Commission of the EU as well as the EU's single member states have always had their own agendas in regard to non-proliferation. However, subsequent to the ratification of the Lisbon Treaty in 2009, the former CFSP got translated into the EEAS by means of the abolishing of the former three-pillar structure of the EU. This took place in order to set up a more coherent institutional structure, which is also of importance for the domain of foreign policy, as stated above.

The emergence of the EU as a single legal personality through the ratification of the Lisbon Treaty must be seen as the second major leap forward in the development towards the EU's actorness in the non-proliferation regime, rendering the EU a more accountable actor in international politics altogether (Zwolski 2011, Kienzle 2013, Pardo 2011). The financial instruments for engaging in non-proliferation politics that the EEAS currently has at hands are the Instrument for Stability (IfS) and the Instrument for Nuclear Safety Cooperation (INSC), which were created in 2006 as Commission tools for external assistance. Subsequent to the ratification of the Lisbon Treaty, this formerly Commission-based policy-tool got translated into the EEAS-domain (Zwolksi 2011: 482-483, 489). Additionally, the formerly Council-based CFSP budget for non-proliferation got translated into the EEAS (Kienzle 2013: 1148).

While the still Council-based non-proliferation secretariat and ESS-based policies and discussions are handled within the EEAS post-Lisbon framework, we note that the European Commission continued to engage itself in external financial assistance programmes (Zwolski 2011: 482). According to Zwolski, this fragmentation of the EU's non-proliferation capacities rendered international cooperation partners in this policy domain unsatisfied. Only in January 2010, the respective bureaucratic

apparatuses of the EEAS and the Commission merged, thus creating the current institutional setup of the EU's non-proliferation capacities (ibid.). However, as Kienzle points out, the final structure of EU non-proliferation has

[...] oddly enough, [...] essentially kept the old division between Council and Commission alive, creating a unit for WMD, conventional weapons and space, but anchoring the responsibility for the non-proliferation programmes of the Instrument for Stability in another unit. (Kienzle 2013: 1149)

Overlapping institutions within the EU which deal with issues in the same policy field continue to exist. Nevertheless has the EU engaged in centralised institutionalisation of its non-proliferation capacities, therefore becoming a more serious and accountable actor in non-proliferation policies, despite its own structural restraints. In the following, the so-called 'non-proliferation' will be discussed in detail.

#### **4.4 The non-proliferation clause**

Next to the financial tools mentioned in chapter 4.3., additional policy-measures related to non-proliferation can be found within the EU's institutional setup. The non-proliferation clause, e.g., can be found in bilateral agreements since the year 2003, being part of the EU's WMD Strategy paper (Council 2003c). It states that non-proliferation

[...] constitutes a fundamental element for the EU when it considers the decision of entering into negotiations with a third country or assesses the advisability of progressing towards a contractual relationship. (Council 2003c: 2).

Initially, "[i]t was intended that the clause should be included as an essential element clause in all new, renewed or revised 'mixed agreements' between the European Union (EU) and non-EU states [...]" (Grip 2009: 1). Mixed agreements here stand for agreements between the EU and third countries that combine political and economic dimensions. By including the non-proliferation clause into these agreements, adherence to non-proliferation commitments becomes conditional for these agreements (Grip 2009: 3).

The non-proliferation clause goes hand in hand with normative statements concerning non-proliferation found in the ESS from 2003, in which the threat of proliferation of WMD is named to be the potentially greatest threat to European Security. The non-proliferation strategy of the EU was ratified in accordance to the political Zeitgeist and the imminent pressure of the upcoming Eastern enlargement of the EU (Grip 2009: 2). The strategy papers *Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction* and the *Action Plan for the Implementation of Weapons of Mass Destruction* (Council 2003a, Council 2003b) in connection to the ESS paper and the updated ESS paper from 2008, in addition to still valid positions from earlier stages of ca-

pacities-development, thus pose the contemporary policy framework that the EU is basing its actions in the non-proliferation regime on.

The normative reasoning behind mainstreaming non-proliferation into mixed agreements between the EU and third states possibly creates a powerful policy-tool at hands of the EU (Kienzle 2013: 1154). However, the specific nature of the clause itself must be taken into consideration when evaluating its possible effectiveness. First and foremost it is important to point out that the clause is divided into two parts, which will be examined in the following. This specific formulation of the clause is merely the *specimen text*: the formulation of the clause differs depending on the result of the negotiation process on the given mixed bilateral agreement between the EU and a third state.

The first part of the non-proliferation clause serves as the "[...] "essential element" that must be included in all third party mixed agreements [...]", which serves as a "[...] declaratory commitment by all parties to non-proliferation policies that they have already signed [...]". This means that it is conditional for all mixed agreements with third states (Quille 2007: 3). The first part of the non-proliferation clause merely acknowledges reassures the existing obligation and commitment of third states:

**"Non-proliferation clause" to be included in agreements with third countries**

Countering proliferation of weapons of mass destruction

The Parties consider that the proliferation of weapons of mass destruction and their means of delivery, both to state and non-state actors, represent one of the most serious threats to international stability and security. The Parties therefore agree to co-operate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery through full compliance with and national implementation of their existing obligations under international disarmament and non-proliferation treaties and agreements and other relevant international obligations. (Council 2003c: 4)

This part of the clause is conditional in the sense that if a contracting partner violates its conditions, a consultation procedure takes place which might light to the cancellation of the affected agreement. This conditional part of the clause can be regarded in terms of a multilateral approach towards a multilateral non-proliferation system in that it binds *both contractual sides* to the specifications made in the clause.

The second part of the non-proliferation clause on the other hand is not conditional for mixed agreements, unlike the part mentioned above. It includes elements that must be considered elemental only by means of a 'case by case' basis and reads as following:

The parties agree that this provision constitutes an essential element of this agreement. The parties furthermore agree to cooperate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery by:

- taking steps to sign, ratify, or accede to, as appropriate, and fully implement all other relevant international instruments;
- the establishment of an effective system of national export controls, controlling the export as well as transit WMD related of goods, including a WMD end-use control on dual use technologies and containing effective sanctions for breaches of export controls. \*

The Parties agree to establish a regular political dialogue that will accompany and consolidate these elements.

\* These two elements might be considered as essential elements on a case by case basis. (Council 2003c: 4)

In accordance to this, new commitments in the non-proliferation of CBRN weapons and related material are not mandatory for the ratification of mixed agreements between the EU and third states. These two additional elements of the clause would put immediate stress on contracting partners who do not take part in various non-proliferation regimes, such as India, Pakistan and Israel, who would have to sign the NPT, as Quille points out (2007: 3). The non-proliferation clause must be seen in the wider context of the EU's non-proliferation norms and goals as Quille further rightly argues: third states would receive widespread support and aid from the EU in case the second part of the non-proliferation clause got signed and ratified. The formulation of a 'case by case' basis is problematic, as it is not specified under which conditions the unconditional element might be excluded.

In regard to foreign policy action, the following explanation for the actual setup of the clause can be found within the Action Plan:

The EU will consider the introduction of an effective stick and carrot policy linked to non-proliferation commitments in its relations with third countries. This will be done in particular in the context of co-operation agreements or assistance programmes. Relevant working groups will be tasked to review EU policy towards particular countries. In this context combined sessions of regional working groups and the working group on non-proliferation could be organised to promote cross-fertilisation of regional and non-proliferation policies. (Concil 2003b: 6)

Due to the fact that the second part of the clause is not conditional for mixed agreements, the pressure for contracting third states to further engage themselves in the non-proliferation regime is not overwhelming. On the contrary, there is an almost complete absence of leverage in terms of foreign policy conduct of the EU.

While initially it has been unclear which international treaties on non-proliferation and disarmament have been addressed in the non-proliferation clause, specifications on this followed in terms of the *Note on the implementation of the WMD clause*:

While the relevant existing obligations clearly depend on the specific country the EU is negotiating with, in general terms the clause here refers, inter alia, to the Non-Proliferation Treaty (including the IAEA Comprehensive Safeguards Agreement and Additional Protocols), the Chemical Weapons Convention, the Biological and Toxic Weapons Convention and the relevant UNSC Resolutions, [...], Hague Code of Conduct against Ballistic Missile Proliferation (Council 2009a)

This extension is not only an important supplement to the effectiveness of the non-proliferation clause as a policy measure: It places the clause amidst the international non-proliferation regime as depicted in chapter 4.1..

The results of the non-proliferation clause have not been clear so far, although it has been included in over a hundred contractual relationships (Kienzle 2013: 1154). The fact that the non-proliferation clause has been included in bilateral agreements in a selective manner, excluding it in certain cases, stands at the starting point of the theoretical puzzle that the EU's non-proliferation policies poses. While the non-proliferation clause could possibly serve as a strong policy tool for enforcing adherence to institutions of the international non-proliferation regime (such as the NPT-regime), Kienzle notes that "[...] virtually none of the more problematic countries that have only ratified only a few (if any) non-proliferation agreements have been targeted successfully." (Kienzle 2013: 1154).

According to Kienzle, this foreign policy behavior runs under the label of "effective multilateralism" (2013: 1146). While he praises the EU for being a credible international actor and engaging in 'effective multilateralism' by overcoming self-set norms when needed in order to achieve goals in the arena of international politics, the research of the thesis does not provide such evaluations of the EU's performance in the non-proliferation regime as such: these can be found elsewhere (Grip 2009, Katsioulis & Mölling 2010, Kienzle 2013, Zwolski 2011, e.g.).

These developments are remarkable, given the fact that non-proliferation supposedly "[...] constitutes a fundamental element for the EU when it considers the decision of entering into negotiations with a third country or assesses the advisability of progressing towards a contractual relationship" (Council 2003c: 2; quoted in: Grip 2009: 3). On this note and in connection to previous normative statements on the EU's status on non-proliferation, it is safe to assume that the EU has set itself certain double standards when it comes to EU-based action in the non-proliferation regime.

The EU's non-adherence to self-defined positions and standards on non-proliferation in given cases (such as India, Pakistan and Israel) are worth being investigated from a theoretical point of view, given an ongoing discourse on the notion of 'Normative Power Europe' as mentioned earlier on: the question whether the EU is a consistent normative actor or not arises. The discussion of the working hypothesis and the research question of the thesis are tightly connected to theoretical views on the

EU's actorness in foreign policy and specifically, as the case study in the thesis will show, non-proliferation policies towards India. The case study which will be constructed in the following chapters thus aims at the discussion of the stress-field between the EU's normative non-proliferation basis and the actual conduct of related policies. In the centre of this stands a theory-testing exercise that will aim to stimulate further research on the EU's supposedly normative conduct of policies in different policy-fields: "When theories are fairly well developed, researchers can use case studies for theory testing." (George and Bennett 2005: 115).

## **5. ANALYSIS: THE EU AS AN INCONSISTENT ACTOR IN THE NON-PROLIFERATION REGIME**

In the following chapter, the objectives of the research as outlined in the introductory chapter will be achieved. In order to do so, firstly, a coherent research framework will be depicted, which is based on the theoretical deliberations from chapter 2. in that it combines all important theoretical tenets which are needed for the discussion of the research question. More specifically, it will be argued and explained that role theory can provide an understanding of the fact that the EU's non-proliferation policy does not always correspond to its normative foundation, while it is nevertheless backed up by a credible institutional structure. Furthermore, this discussion is reliant on the terms provided in the theoretical outline on normative foreign policy as well as on the specifications on the EU as a foreign policy actor, as provided above. As the result of this discussion, the notion of *the EU being as prone to failing in keeping normative consistency in foreign policy as any other foreign policy actor* will stand. On this note, Manners' theoretical construct of 'Normative Power Europe' will partly be refuted in the light of the conducted case study. Accordingly, the deliberations of this chapter will form the beginning of the theory building exercise of this thesis.

Subsequently, the case study will be approached. Initially, a discussion which analyses the inclusion and exclusion of the unconditional element of the non-proliferation clause in mixed agreements between the EU and third states will take place. By demonstrating that the EU is not consistently including both properly formulated parts of the non-proliferation clause into mixed agreements with third states, the first statistical sample will be depicted. This supports the theoretical claims made above, namely that the EU is an inconsistent normative actor in the non-proliferation regime. Connected to this statistical sample, the case study of the EU's non-proliferation policy towards India will be discussed. While the provided sample depicts a number of possible case studies, the case of the EU's non-proliferation policy towards India has been specifically chosen due to the availability of data, as well as due to the fact that conducting one case study in a sufficiently narrowed down

research context is enough to lead to theory advancement; this also goes hand in hand with Manners' methodological approach on NPE. The analysis of the available data against the background of the EU's non-proliferation policy will serve as the proof of an inconsistency of the EU's policy actions in this field.

### **5.1. Research Framework: How does role theory provide an understanding of why the EU's non-proliferation norms and policies do not correspond?**

In the following, a theoretically coined research framework incorporating relevant theoretical tenets from chapter 2. will be depicted, which must be regarded relevant for the discussion of the case study and accordingly the research question. In fact, this framework will help to gain an understanding of why a foreign policy actor's norms and the actual conduct of foreign policy do not necessarily correspond. Firstly, role theory as depicted in chapter 2.3. will experience a necessary subsumption in order to be applicable to the case study. Secondly, implications from this discussion for the conceptual arrangement of NPE, as depicted in chapter 2.2. will be highlighted. The discussed theoretical tenets will merge into a coherent research framework which highlights the need of studying NPE from the chosen thematic angle of non-proliferation policy. The theory testing and theory development exercise, as depicted in the methodological chapter of this thesis will subsequently take place by the case study of the EU's non-proliferation policy towards India.

While roles as patterned behaviour are stable and not prone to sudden incremental change, they are sensitive to context and the course of time. A role conflict can always emerge within a role set, for example "[...] when dominant role conceptions are incompatible or contradictory to one another." (Aggestam 2006: 22). Contrarily, a role conception is stable when "[...] it is central and compatible with other roles within the role-set." (Aggestam 2006: 23). In order to capture both, the continual, as well as the flexible/changing dimensions of roles in any given case such as the one discussed in this thesis, the role conceptions of a role need to be investigated through three *perspectives on roles*. In the following, these three perspectives on roles of foreign policy actors are provided, which set a foundational basis for the discussion of the EU and its different roles it is employing as a non-proliferation actor. All three perspectives must be incorporated simultaneously if an analysis is to relate a given role convincingly to the structure it is embedded in:

[...] [I]n doing so we bring the individual back in without reducing our explanations of foreign policy to the individual as the unit of analysis. (Hollis and Smith 1990: 168; quoted in: Aggestam 2006: 19)

The first perspective that needs to be employed is the *institutional* one. As will be argued in the following, the institutional perspective is important as it helps to contextualise how inter-subjective



beliefs and political culture influence foreign policy. Roles are deeply embedded in institutions: institutions organise the available roles and the way in which they are employed. They can be understood in terms of general patterns or categorisations of activities as formally or informally human-constructed entities. However, apart from broad definitions like this, Aggestam notes that an institution can also assume the shape of a specific organisational arrangement, such as the EU (2006: 15).

This is also applicable to various subordinated institutions within the EU. In regard to non-proliferation namely, the EU's whole set of institutions as depicted in chapters 4.2. - 4.4. accounts for the same foundational normative rationale: it was founded on the overarching normative principles of the super-ordinate structure of the EU as a whole. It is vital to stress that the institutional perspective on the EU's role as a non-proliferation actor depicts an integrated foreign policy actor, which has sufficiently been proven in chapters 4.2. - 4.4.. However, as has been argued above, until today certain parallel structures within the institutional non-proliferation setup of the EU continue to exist. This in addition to possible member-states' own interests within the policy field may complicate a unified role of the EU in regard to the institutional perspective. A multiplicity of possible, employable roles on this take could possibly undermine the consistency of the EU's non-proliferation policies. Furthermore, according to the complexity of the structure and the multiplicity of actors in the EU's non-proliferation policies, there is a high probability that various role-sets with a considerable number of employable roles exists.

The organisation of a specific role within an institution takes place by means of a set of normative constraints towards a foreign policy actor's behaviour. These constraints and rules, which determine a role, "[...] must be durable and must prescribe behavioural roles for actors, besides constraining activity and shaping expectations." (Aggestam 2006: 15; ref. to: Keohane 1994: 49). What this consequently means for the behaviour of a foreign policy actor is accurately depicted by Horrocks and Jackson:

In behaviour an identity is implemented by the taking of a role. A role taken is a concrete behavioural manifestation and implementation of one or more of an individual's identities, presenting the observer a picture of the identity in action. (Horrocks and Jackson 1972: 115; quoted in: Aggestam 2006: 16)

In the context of the EU as a foreign policy actor in the non-proliferation regime, this notion has far-ranging consequences for research on any policy-action/behaviour. In any given policy field, the EU can employ a number of roles which are all based on a selection of corresponding norms. What follows this, is the question of which role is actually being employed in a given policy-action. As mentioned above, the multiplicity of possible actors connected to the EU in this policy field and

their respective role-sets complicate any analysis on specific conducted roles and their impact on policy. However, deploying the following two perspectives in role analysis can help to explain the role-choice made by a foreign policy actor.

The perspective on a foreign policy actor's *interaction* unsurprisingly regards the interactional process itself. This notion implies that roles have many variations which are undergoing constant change, as the idea of an inflexible conception of a role would exclude the dynamic mutual nature of social interactions. Accordingly, by means of these variations of roles within any interaction between foreign policy actors, the emergence of new roles on a supranational level constantly takes place. Interaction with other actors can have innovative consequences, meaning that actors might improve their role performance through interaction (Aggestam 2006: 15).

A perspective on these processes can accordingly not only expose the new roles, but also, and more importantly, highlight an actor's capacity for defining its own roles (Aggestam 2006: 16). Connected to this stands Margaret Mead's classic concept of symbolic interactionism, which posits that symbols and meaning emerge from a process of social interaction that shape behaviour: Research on specific policy actions can thus help to approximate the specific role which a foreign policy actor is taking (Mead 1934; ref. in: Aggestam 2006: 16-17). This can be achieved by means of analysing the EU's actual conduct of foreign policy actions in the field of non-proliferation.

It is important to bear in mind that this perspective does not suffice on its own. Firstly, as Aggestam notes, actors "[...] arrive at their interaction with pre-existing identities and roles.". Secondly, it is difficult to "[...] incorporate interests and objectives that flow outside the interaction within which actors are immersed in at any given time." (Aggestam 2006: 17). In regard to the notion of the EU as a non-proliferation actor, in any interaction with other actors in the non-proliferation regime, it is to be expected that the EU is not employing one single unified role: the behaviour of all actors in the interactional sphere influences the roles of all affected actors, thus further complicating the task of identifying specific roles within the role-sets of the actors.

Last but not least, the third perspective, namely the *intentional* one must be applied. As Aggestam notes, this perspective "[...] brings to our attention how actors themselves are involved in defining roles" and furthermore "[...] that these roles may contain objectives as well as norms." (Aggestam 2006: 17). This leads to the notion that a foreign policy actor's roles are not exclusively built through factors to be found within the first and second perspective. Instead, the foreign policy maker is itself actively involved in the construction of roles based on self-made considerations, reasoning and calculations. The actor thus is an "[...] individual capable of exercising some freedom in the

choice of ends and means of action." (Aggestam 2006: 17). In most cases, roles are likely to leave the actor with a certain scope for interpretation when making policy choices:

Human agents are knowledgeable and reflect continuously on the conditions and consequences of their actions, but they are also finite in their capabilities of action and perception. (Aggestam 2006: 18; ref. to: Giddens 1979: 215-216)

If this perspective is employed onto the EU's non-proliferation role-set, the EU's actions account for an *intentional basis* as they are founded on the political discourse within the EU institutions: the EU is an accountable and intentional actor in the non-proliferation regime, as the course of its institutional development and the regarding normative statements show. However, in order to validate this notion of an *intentional basis*, in the following Tocci's concept of normative foreign policy will be applied.

As explained in chapter 2.2., several variables must be checked in the analysis of a normative foreign policy actor. The *normative goal variable* depicts whether a foreign policy is planned normatively or not, meaning whether the policy is meant to follow milieu goals in its setup or not. If a normative foreign policy formulation is based on values and norms, on the contrary to the possession-goal related nation state interest, the resulting policy *aims to shape or alter conditions beyond their national boundaries*. This is certainly true for the EU's non-proliferation policy. As chapters 4.2. - 4.4. have sufficiently shown, the EU's foreign policy and non-proliferation policy is deeply entangled with, and based on its core values and norms: they are conditional for both, the development of the connected institutions as well as their policy formulations.

If according to Tocci, the pursuit of milieu goals becomes manifest in international organisations, law and regimes, we note that in the context of the EU's non-proliferation policy, the EU's unconditional support of non-proliferation organisations related to the UN framework serves exactly the same purpose. Furthermore, by means of own non-proliferation policy formulations, the EU aims to be a credible non-proliferation actor on its own and have an impact in the overall non-proliferation regime. The EU has formulated milieu goals within the international non-proliferation regime as has been shown in chapters 4.2. - 4.4.. This is not only displayed by the EU's participation in international conferences on non-proliferation: various own action plans and connected non-proliferation programmes as well as the non-proliferation clause are most noteworthy to this respect.

The second variable, the *normative means*, refers to a foreign policy actor's capability to enforce its self-defined normative foreign policy goals. As has been argued above, "[t]he question about whether the means of a foreign policy are normative or not refers to how policy instruments are used for achieving milieu goals, instead of merely which ones" (p.19). The EU's instruments for

engaging in non-proliferation stem straight from the development of the EU's foreign policy institutions. All of the depicted action plans and policy measures, such as the non-proliferation clause, are tightly connected to the institutionalised normative foreign policy goals. Accordingly, they are consistent with the legal setup of the EU:

Legality in the deployment of foreign policy instruments relates first to the legal commitments if a foreign policy actor towards itself, i.e., the deployment of foreign policies in respect of internal legal standards of democracy, transparency and accountability. (Tocci 2008: 10; ref. to: Stavridis 2001: 9)

The EU's normative foreign policy means do not only comply with internal standards: by connecting itself to the international non-proliferation regime under the UN's aegis, the EU sufficiently managed to approximate its non-proliferation profile as close towards universal validity as possible under the given circumstances. Accordingly, the EU's normative *non-proliferation goals and means* can be regarded as being consistent with the definitions provided by Tocci. These have been constructed intentionally: the consistency and path dependency of the development of the EU's non-proliferation institutions must be highlighted on this note. While this development has not been without drawbacks and delays, the specific nature of the EU as a foreign policy actor has to be taken into consideration. Institutional development within the EU is necessarily more complicated than within nation states. We conclude that the EU is an intentional non-proliferation actor in terms of its *goals and means*.

However, the EU's *normative impact* in non-proliferation policy accounts for a mixed track record. In order to evaluate this, it is sensible to again quote Tocci:

A normative impact is one where a traceable path can be drawn between an international player's direct or indirect actions and inactions (or series of actions) on the one hand and the effective building and entrenchment of an international rule-bounded environment on the other. (Tocci 2008: 11)

While having the given set of policy tools to engage in non-proliferation at its disposal, it is hard to draw a definite, traceable path between the EU's actions and an alteration of the international non-proliferation regime. As has been argued above, the EU has refined its institutional setup in regard to non-proliferation policy in order to become a more accountable and recognisable actor. Given the theoretical focus of this thesis, a 'policy impact' in the non-proliferation regime refers to binding states to the international non-proliferation regime. Accordingly, in the research of this thesis, a non-proliferation actor's impact on the regime (or respective sub-regimes) will be measured in terms of legally binding commitments of state actors to the non-proliferation regime. Utilising this kind of proxy can help to contextualise the findings of the provided dataset and case study in a way that their impact on the existing legal framework can be measured. In terms of the research of this thesis, this proxy is the international non-proliferation regime as depicted in chapter 4.1.. While the

international non-proliferation regime is by no means fully comprehensive as it still has several shortcomings, it is by far the most institutionalised combined human effort to counter the real existing threat of a spread of WMD and related material. Accordingly, any *alteration of the non-proliferation regime* in terms of the legal binding of additional states to its specification can be regarded as an 'impact' on the regime.

While a study on the actual impact of the EU's non-proliferation policy in terms of an alteration of the regime as a whole is scientifically feasible, the questions discussed in this thesis require a slightly different research focus. An alleged *consistency or inconsistency* of the EU as an actor in the non-proliferation regime must necessarily be studied in terms of an observable policy impact. By means of this research perspective, the consistency of a foreign policy, or a foreign policy change in a given actor can be proven or refuted.

As Aggestam notes, role conflicts are a very frequent stimuli for foreign policy change, which would presumably "[...] initiate a search for change, given the actor's inherent desire for consistency and cognitive stability." (2006: 23). Accordingly, if foreign policy changes in the context of the development of the EU's non-proliferation policy are to be discussed as a whole, the reasons for why role conflicts emerge must be revealed.

On the one hand, a role-set consists of a number of different roles which are generated from possibly different institutional contexts: actors incorporate different roles and they are therefore subject to a number of conflicting role expectations. Role-conflicts are more likely, when "[...] the conditions and the context within they were formulated change." (Aggestam 2006: 23). On the other hand, it is important to bear in mind that

[...] integrated and consensual role scenarios are the glue that holds collectivities together; just as discrepant and competitive scenarios are the acid that paralyze or tear them apart. (Aggestam 2006: 23).

The integrity of a foreign policy actor is crucially dependent on the interplay and bond between identity and role. The more these are interconnected, the more resilient a role conception is towards a role conflict and thus a policy change. It is pivotal for the research framework of this thesis to stress that "[...] the role will be unstable if the contents, in terms of norms and objectives, are inconsistent." (Aggestam 2006: 24). As a given foreign policy actor aims to stay consistent in terms of its roles <sup>26</sup>, it may manipulate information on the roles towards other actors. If this however fails, an increasingly inconsistent foreign policy is the result. We note that inconsistency may also stem from a lack of consensus about the actual meaning of a role (ibid.).

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<sup>26</sup> or at least aims to keep the perception of its roles by other actors consistent

Aggestam adds that while a role conflict might undermine the standing of a foreign policy actor in the international political arena, they are far from occurring on a seldom basis. Contradictions within single roles, or more relevantly in the context of the conduct of foreign policy, contradictions within whole role-sets occur frequently. Most foreign policy actors do not manage to stay consistent with their normative foundations (Aggestam 2006: 24; Aggestam 2004a: 245-248).

To conclude this theoretical subsumption on roles and role conflicts with the immediate outcome for foreign policy, it is stated that whether a role conflict becomes manifest or not always depends on the specific foreign policy actor and its skill and motivation to stay coherent with a chosen foreign policy role. In regard to the EU as a foreign policy actor, the complexity of available roles is considerable:

[...], the EU must be understood in terms of its 'complex and multifaceted international identity' involving 'a complex and fluid negotiation of multiple relational identities' [...]. This complexity and multiplicity of identities is clearly reflected in the plurality of roles which the EU plays at any one time, in any one place. (Manners 2006c: 81)

Any of the multiple roles employed by the EU is reliant and based on values. However, the EU's international identity is based on a number of core values, which have already roughly been sketched in chapter 2.1.:

The principles of democracy, rule of law, social justice and respect for human rights form the ideological basis of the EU and were already mentioned in the 1973 Copenhagen Declaration on European identity: they were first translated into a constitutional framework within the TEU. (p.21)

Manners' addition to this depicts an extended picture of "the EU's normative constitution", which includes the core norms of peace, liberty, democracy, human rights, the rule of law equality, social solidarity, sustainable development and good governance (Manners 2006c: 70).

These nine core norms of the EU, as depicted and employed throughout the NPE research framework by Manners, serve as the various roles the EU can employ in a given policy area. In the following, a brief overview of the EU's roles which can possibly be employed in the policy area of non-proliferation will be provided.

Firstly, based on the initial vision of post-war statesmen such as Jean Monnet, Robert Schuman and Konrad Adenauer, the EU as a peace project must be mentioned. After two devastating world wars which left the European continent in ruins, a rapid shift from thinking in competing nationalistic terms was needed. While the geopolitical situation after World War II divided the European continent into two strictly separate spheres of interest, a reconciliation between the 'hereditary enemies' Germany and France successfully took place and furthermore included other industrialised Western

European States. The Coal and Steel Union, while being a project of economic integration at that time, can be connected to the EU's role as a peace actor of a very general denomination; this role was carried out within the inner (Western-) European limits. Nevertheless, it got expanded after the end of the Cold War by integrating Central and Eastern European states, bringing the historically longest sustained period of peace to the European continent <sup>27</sup>. Secondly, the EU's role as an economic actor must be taken into consideration. As has been discussed in chapter 4.2., for decades the EC remained an economically integrated institution with an inward political focus. Due to the long and strong track record of European economic integration, the EU's role as an economic actor might be considered the strongest and most integrated role, especially in comparison to the EU's role as a foreign policy actor. Thirdly, the EU's role as a non-proliferation actor must be mentioned. It corresponds to the depiction of the EU's institutional arrangement of non-proliferation policy from chapter 4.3..

The EU's foundational norms are very broad and account for the very basic ideational foundation of the EU, they are still of importance for policy formulations in any policy field that the EU is engaged in. Without the normative 'backing' and the application of different roles, the EU would not have developed into its current state. However, in analytical terms, it is very hard and maybe impossible to get a proper analytical grip on these kinds of broad norms and measure them statistically. This leaves us with the rather unsatisfying notion that the normative nature of the EU which affects foreign policy can hardly be measured precisely.

For the research of this thesis, this means that norms which are responsible for different roles within the EU's foreign policy role set cannot explicitly be identified and arranged coherently on one level of analysis. Accordingly, the question of how a proper role conception of the EU in foreign policy and in non-proliferation looks like arises, or more specifically, which role actually is employed. In regard to the case study of the EU's non-proliferation policy towards India, several possible role conflicts are possible to imagine, such as a role conflict between the EU's role as a economic and a non-proliferation actor. In this specific case, it is possible that the EU would evaluate economic gains through trade and economic cooperation higher than achieving non-proliferation goals. However, without a proper statistical and factual backing, claims like this remain of a speculative nature. While this is a scientific puzzle worth being investigated, this is not what this thesis aims to discuss.

Conclusively, it is stated that it is hard if not impossible through the available theoretical and analytical means presented in this thesis to specifically point out *which roles* in regard to non-

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<sup>27</sup> With notable exceptions such as the prolonged conflict in former Yugoslavia, e.g.

proliferation policy of the EU exist within the EU's foreign policy role-set. The inherently fluent and ever-changing nature of the EU's role set, whose roles are all based on norms of a multiplicity of actors and their respective interests, pose a major scientific puzzle. The *normative foreign policy goals and means* of the EU in the policy area of non-proliferation can nevertheless accurately be depicted, they pose the foundation of what the EU is possibly able to do. The *normative foreign policy impact* of the EU in the same policy area on the other hand is what will be analysed in the following.

It will be argued that *while a role-conflict within the EU's foreign policy role-set exists*, it is not possible to identify *which role-conflict it specifically is*. Instead, the most likely role conflict will be depicted, namely the one between the EU's role as an economic and non-proliferation actor; this notion is supported by scholarly opinions and the findings from the conducted case study. While the EU is an intentional and properly institutionalised non-proliferation actor by means of its *normative foreign policy goals and means* as has sufficiently been shown above, its *normative foreign policy impact* must be discussed in order to come to a conclusion on the EU's consistency in the policy field. This can best be achieved by means of a statistical sample which also includes the case study of this thesis. It will be argued that role conflicts within the EU's non-proliferation policy exist, which notably undermine a coherent picture of the EU as a non-proliferation actor. As has been depicted in the methodological treatise of this thesis, this notion will be discussed against a twofold background. Firstly, a dataset provided by Hertwig on the inclusion and exclusion and the specific formulation of the non-proliferation in bilateral mixed agreements will be depicted, in order to reach a broader informed perspective on the inconsistency of the EU's non-proliferation policy (2009). Secondly, the case study of the EU's non-proliferation policy towards India will further narrow down the scientific focus of the theory testing exercise of this thesis. By means of the combination of these two methodologies, namely utilising the dataset as well as the case study, the possible pitfall of case selection bias, which might harm the validity of this study, can be avoided.

Accordingly, the question of whether the EU is a consistent or inconsistent normative foreign policy actor can and will be discussed by other means than through a contrasting juxtaposition of different roles of unclear normative origin. In other words, in the following it will not be discussed *why* the EU is an inconsistent normative non-proliferation actor; the selected methodology and the research focus are not capable of achieving this (possible) research objective. Instead it will be argued that based on actual existing statistical evidence, that the EU *in fact does not adhere to its normative foundation* as depicted by its normative foreign policy goals and means in the policy field of non-proliferation. For the sake of discussing the research question, it is sufficient to point out that a role



conflict exists. While a depiction of the specific role conflict might not lie within the reach of the conducted research, the predominance of the EU's economic role makes it likely that it does not employ its non-proliferation role in the selected case study. At the end of this discussion, the findings from the analysis of the dataset and the case study will refer back to the initial theoretical outline of this thesis and facilitate the intended theory testing exercise.

## **5.2. Dataset and Case Study: The case of India and the inclusion and exclusion of the unconditional element of the non-proliferation clause in mixed agreements**

In the following, the case study as formulated in the methodological chapter will be conducted. Initially, an overview of the country-specific proliferation dangers related to India will be provided. This aims achieve a number of research objectives. Namely it will be argued that given its arsenal of WMD, India is a notable stakeholder in the proliferation regime of WMD and that India is not participating in the international non-proliferation regime. Accordingly, in regard to possible non-proliferation related foreign policy, it will be noted that India is indeed a very relevant test-case for the non-proliferation efforts of the EU. By inserting the non-proliferation clause into a mixed agreement with India, a notable stakeholder of WMD could experience a rapprochement and eventual inclusion into the non-proliferation regime. The classification of the specific proliferation risks connected to India in its regional context will serve as the basis for a critical discussion on the EU's non-proliferation policy towards India in the following. As has been argued above, this test-case poses the theory-testing exercise of Ian Mannerns notion of NPE; the findings of this case study and its implications for the NPE framework will be summed up in the following chapter.

The original motivation of India to start its own nuclear weapons programme stems from the launch of the first Chinese nuclear bombs in the 1960s; the first Indian nuclear weapon tests can be regarded as a reaction to the Chinese nuclear capacities and were subsequently conducted in the 1970s (Hertwig 2009: 96). According to Gupta, the then still young Indian nation, which was still in a process of self-identification, feared possible blackmailing from the Chinese side (Gupta 1968: 72). Additionally, knowledge of a competing Pakistani nuclear weapons programme further increased Indian security worries. China supported Pakistan heavily in its proliferation efforts. Technical assistance for Pakistan on all of the following necessary steps towards gaining a deployable nuclear weapons capability originated from China, namely the knowledge of building a nuclear bomb, the delivery of the necessary initial material as well as rocket technology for deploying a nuclear warhead (Scheffran 2007: 13, Schneider Jr. 2010: 46). However, in order to complete its nuclear weapons capacity building, Pakistan also had to obtain material by illegal means (Hertwig 2009: 98). Accordingly, India was trapped within the *existent regional proliferation dynamics* at the

time. In 1998, in a matter of months, Pakistan as well as India shocked the world with a number of further nuclear weapons tests: the current non-proliferation regime against nuclear weapons had failed to prevent the spread of these weapons in the region (Krause 1999: 5). These tests were condemned and sanctioned by the UN as well as by the EU (Hertwig 2009: 97).

Until today, India is one of the three states which have never been part of the NPT (among Israel and Pakistan). The refusal of these states to join the NPT prevents universality of the NPT in regard to international law. India is neither part of the CWC, nor has it ratified the HCoC (Hertwig 2009: 97). According to current estimates, India has between 90-110 nuclear warheads at its disposal (SIPRI 2013: 12). However, due to the fact that no official statements on the nuclear arsenal of these three states exist, the latest SIPRI report notes that "[...] the available information is often contradictory, incorrect and exaggerated." (ibid.). Nevertheless, an Indian nuclear weapons stockpile outside of any verification mechanisms continues to exist and expand. There are currently no self-induced non-proliferation efforts observable in either states. Instead, India and Pakistan are

[...] increasing the size and the sophistication of their nuclear arsenals. Both countries are developing and deploying new types of nuclear-capable ballistic and cruise missile and both are increasing their military fissile material production capabilities. (SIPRI 2013: 13)

India's status as an unofficial nuclear power poses a challenge to the international non-proliferation regime. As a matter of fact, India has managed to develop its nuclear weapons programme outside of all verification systems with technical assistance from varying parties. The importance of the Indian case in non-proliferation policy becomes even more clear if seen in the regional context with another unofficial nuclear power, Pakistan. Until today, the competitive situation between India and Pakistan over the Kashmir region remains unresolved and poses the real existing danger of a regionalised conflict bearing nuclear weapons (Rauch 2008: 29). In 2004 both states declared they would not conduct any further nuclear weapons tests, in case that there *would not be any extraordinary incidents or events* (Hertwig 2009: 100). What this means in case of a further outbreak of interstate violence in the region remains unclear.

In conclusion, it is stated that India remains a country with a high proliferation risk: not only is its nuclear stockpile growing and becoming modernised, but also the ongoing protracted conflict with Pakistan over Kashmir led to a regionally confined armaments race for more efficient weapons technology. It is noteworthy that while Pakistan has signalled that it would join the NPT in case India would ratify it, until today India refuses to do so. According to Boor, the reasons for India's refusal to take a notable step towards an easing of the regional proliferation tension can be found within India's security concerns towards China (Boor 2008; ref. in: Hertwig 2009: 100). Accord-

ingly, non-proliferation efforts in this region are dearly needed. Due to the fact that the traditional diplomatic efforts have failed to include India into the international non-proliferation regime, a new take on the region's proliferation dynamics, such as through a new foreign policy initiative, is necessary.

In the following, the track record of the EU's non-proliferation clause as a foreign policy measure which aims to mainstream non-proliferation commitments into mixed bilateral agreements will be analysed. Firstly, a dataset provided by Hertwig will show that the EU has indeed included the non-proliferation clause into mixed bilateral agreements in order to mainstream non-proliferation efforts. Secondly, the specific formulation(s) of the clause will be discussed, as they vary heavily depending on which agreement they get included into. Thirdly, the EU's non-proliferation efforts towards India will be discussed by means of various bilateral agreements between India and the EU. As has been argued above, India is a country with an increased proliferation risk, which is embedded in an even riskier regional proliferation context with Pakistan and China. Accordingly, discussing any foreign policy actor's non-proliferation policy towards India can help with gaining an understanding of the ongoing dynamics and developments in the region, and more importantly why non-proliferation efforts in this region have failed until this very day.

As has been elaborated in chapter 4.4., the non-proliferation clause is a foreign policy tool employed by the EU which aims to mainstream non-proliferation commitments through mixed bilateral agreements with third states. While the track record on the performance and effectiveness of the non-proliferation clause as such remains unclear although it has been included in over a hundred contractual relationships until today. In the following, the provision and discussion of a dataset as depicted by Hertwig will show that while the EU is including the non-proliferation clause in mixed agreements, it does so in a very selective manner. The specific nature of the non-proliferation clause, namely that it comprises a conditional and a non-conditional element is of the utmost importance on this note: while the conditional element merely reaffirms previous non-proliferation engagements of signatory states, it is noted that the unconditional element binds both contractual partners to commit themselves more deeply to the international non-proliferation regime.

In the observed timeframe provided by the available dataset from Hertwig between the years 2003 and 2008, the non-proliferation clause has been included in mixed agreements with 95 third states. This includes partnership and/or cooperation agreements, stabilisation and association agreements as well as action plans in the context of the European Neighbourhood Policy (ENP) (Hertwig 2009: 294-295):

	PCA	SAA	AP		Total
			ENP	Additional	
NP-Clause	Tajikistan	Albania	Egypt	India	
	ACP (78)	Montenegro	Armenia		
		Serbia	Azerbaijan		
			Georgia		
			Israel		
			Jordan		
			Lebanon		
			Morocco		
			Moldavia		
			Palestine		
			Tunisia		
			Ukraine		
<b>Total</b>	<b>79</b>	<b>3</b>	<b>12</b>	<b>1</b>	<b>95</b>

Caption: PCA: Partnership and/or cooperation agreement / SAA: Stabilisation and association agreement / AP: Action plan / ENP: European Neighbourhood Policy / ACP: States within the Cotonou Agreement between the EU and the African, Caribbean and Pacific Group of States (78 ACP signatory states) / NP-Clause: Non-proliferation clause (Table adopted and translated from: Hertwig 2009: 296)

As Hertwig argues, the implementation of the non-proliferation clause in the given time frame must be regarded as a success due to the vast number of states that reaffirmed their commitments in regard to non-proliferation (Hertwig 2009: 298). However, there are several shortcomings regarding this unnecessarily simplifying statement.

Firstly, it is limited to an optimistic point of view which seems to be adopted from the Council's progress reports on the WMD Strategy, which are regularly published since 2003. As Grip argues, the high number of cases in which the non-proliferation clause has been included in mixed agreements includes "[...] agreements under negotiation, not just agreements in force, which vastly increases the number of potential 'successes'." (2009: 5). Secondly, *none of the inclusions of the non-proliferation clause made within the ENP framework is legally binding; this is also true for the Joint Action Plan (JAP) with India* outside the ENP framework. Legal accountability and thus political leverage to enforce non-proliferation commitments are not provided by these means. Accordingly, in this perspective, the question of whether the included clause in a specific mixed agreement is legally binding or not, does not get addressed sufficiently (Grip 2009: 6; see footnote 22). Thirdly, as Grip argues, the mere number of agreements is valued higher than the actual policy outcome in the targeted third state: The policy outcome which results from the implementation of the clause is not addressed in the progress reports. Last but not least, it is crucial to stress that the Council's status reports do not provide a comprehensive overview on the specific formulation of the

clause in these agreements, namely whether the unconditional (and possibly more effective) part of the clause has been included or not. Instead, the vague notion that the clause should be "compatible with the spirit and the content of the WMD standard clause" appears in a status report from 2009 and seems to dictate the *modus operandi* when it comes to formulating the clause (Council 2009b: 36; quoted in: Grip 2009: 5). It is noted that the non-proliferation clause is formulated in very different ways in the varying agreements.

Hertwig provides a comprehensive overview of the specific arrangement of the clause in various cases of mixed agreements. On the one hand, the *legally binding* PCAs with Tajikistan and the ACP states, as well as the SAAs with Albania, Montenegro and Serbia include the *original formulation from the specimen text*. Due to their legally binding status as well as the complete incorporation of the full text (both parts) of the non-proliferation clause, we note that these bilateral agreements serve as an effective non-proliferation policy tool; accordingly, the EU is fulfilling its self-defined normative role as a foreign policy actor in the area of non-proliferation in these cases. On the other hand, the ENP agreements as well as the India-EU JAP account for the whole range of formulations between full compliance with the contents, down to a heavy deviation from it. The following overview shows that a discrepancy between the specimen text of the non-proliferation clause as provided in chapter 4.4. and the specific formulations of the clause in mixed agreements exists:

	Compatibility of deviation				
Action Plan					
ENP	1	2	3	4	5
Armenia	—	x	x	x	x
Azerbaijan	x	x	x	x	x
Egypt	x	x	x	x	x
Georgia	—	x	x	x	x
Israel	x	x	x	x	x
Jordan	—	x	x	x	x
Lebanon	x	x	x	x	x
Morocco	—	x	x	x	x
Moldavia	—	x	x	x	x
Palestine	—	x	x	x	x
Tunisia	—	x	x	x	x
Ukraine	x	x	x	x	x
Additional					
India	—	—	—	—	x

**Caption: 1** Diffusion of WMD is one of the most severe dangers / **2** non-restrictive compliance with commitments from international disarmament- and non-proliferation treaties including their implementation on national level / **3** further steps towards further multilateral commitments (signing and ratifying/admission, unconditional appliance) / **4** erection

of an efficient national system regarding export control including a system of applicable sanctions / **5** continuous and frequent political discourse / **x** deviation of wording is compatible with standard clause / — deviation of wording is not compatible with standard clause (Table adopted, edited and translated from: Hertwig 2009: 305)

The specific formulation of the non-proliferation clause found within the India-EU JAP stands out of the dataset. While the ENP agreements incorporate most of the formulations from the clause, while still not being legally binding, the JAP merely aims to establish a continuous and frequent dialogue between the EU and India:

India and the EU have a shared interest in working towards achieving the goals and objectives of universal disarmament and non-proliferation of weapons of mass destruction and their means of delivery. The proliferation of weapons of mass destruction and its linkages with terrorism poses a threat to international peace and security. In this context, we resolve to enhance collective action to fight the proliferation of WMD as well as their means of delivery. We believe that our response to proliferation challenges requires strengthened multilateral consultations and the pooling of all efforts and resources. We agree that effective export control measures for dual use goods can play an important role in preventing proliferation, and at the same time, such measures should not hamper international co-operation in materials, equipment and technology for peaceful purposes. We will establish a bilateral India-EU Security Dialogue at Senior Official level which will include regular consultations on global and regional security issues, disarmament and nonproliferation to increase mutual understanding and identify possible areas of cooperation. (EU 2005: 5)

While this formulation may *reflect the spirit and the content of the WMD standard clause* as noted above, it is by no means demanding further non-proliferation commitments from India. The mere postulate that both sides have "a shared interest" in further multilateral action towards disarmament does not account for any specific plan of policy action. Accordingly, the inclusion of the non-proliferation clause into the India-EU JAP cannot be regarded as an effective policy tool in regard to non-proliferation: it barely accounts for any leverage towards more commitments in non-proliferation at all on this note. The non-proliferation commitment made at the EU-India summit in 2005 has been restated at all subsequent EU-India summits: this happened however without specifying sufficiently which policy actions through the "continuous and frequent political discourse" have been taking place. Interestingly, there seems to exist a scholarly disagreement on whether the formulation found within the JAP clause can actually be regarded as a non-proliferation clause or not.

As suggested by the dataset, Hertwig on the one hand counts it in one line with the ENP agreements, although she explicitly states that the wording and thus the message of it does not correspond with the original formulation of the specimen clause. On the other hand, neither Quille nor Grip even acknowledge the existence of the India-EU JAP in the context of their research on the non-proliferation clause. In an internal note for the use in the European Parliament, Quille evaluates the non-proliferation clause against the background of a number of case studies, among which the case of India can be found. While simply ignoring the JAP and its regular updates at India-EU summits, Quille however refers to the then negotiated Free Trade Agreement (FTA) between the

EU and India and the possibility of including the clause into this. His evaluation of the clause ends with the notion that depending on the specific formulation and ratification of the FTA after the negotiation procedure, it might take the form of a PCA and thus reach political and legal conditionality. This would then include the possibility of placing sanctions in case of non-compliance with the specifications of the clause (Quille 2007: 5).

A very similar standpoint is taken by Grip, who does not refer to the India-EU JAP in her research either. She states that during the EU's internal discussion on whether to include the clause into the FTA or not, several approaches on the matter have been made towards the Indian government. The EU's initial idea in regard to the FTA was namely to renew the old existing cooperation agreement with India from 1994. In the new PCA, political clauses and legal links would have to be included, which would have inevitably included the non-proliferation clause with all of its specifications (Grip 2009: 10). If this would have been achieved, it would have been likely that the non-proliferation clause in the India-EU FTA/PCA would have achieved similar success as reached with Tajikistan, the ACP-states, Albania, Montenegro and Serbia, who are nowadays all part of the non-proliferation regime since the ratification of their respective agreements which include the clause. However, eventually due to pressure from the Indian government, the FTA was drafted without political conditionality and thus it does not include the non-proliferation clause (Grip 2009: 11).

Conclusively, it is noted that while some initial efforts in regard to non-proliferation policy towards India have been made by means of the India-EU JAP, the specific formulation of the non-proliferation clause in the agreement is by no means comprehensive. The discrepancy towards the specimen text is obvious. Further efforts to include India sufficiently into the non-proliferation regime by means of the FTA have failed due to India's bearish attitude and its unwillingness to commit itself to the international non-proliferation regime. While within the EU numerous positions and statements on the need of further participation of India in the non-proliferation regime were made<sup>28</sup>, the ratification of the FTA without political and legal conditionality eventually took place, which also excluded the non-proliferation clause. It is important to stress that the exclusion of the non-proliferation clause in the FTA has stirred up major concerns within the EU. Annalisa Gianella, the then Personal Representative on non-proliferation publicly stated that leaving the clause out would lead to a "terrible double standard" and that

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<sup>28</sup> such as: The European Parliament "[u]rges India, together with Pakistan and Israel, to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which is an irreplaceable multilateral instrument for maintaining and consolidating international peace, security and stability and establishes a legal framework to prevent further proliferation of nuclear weapons; [...]" (EP 2005: Article 87)

[i]f we were to adopt for India an approach different from the approach we adopt with other countries, I think we would abandon altogether the idea of having a WMD clause with third countries. (Reuters 2007; quoted in: Grip 2009: 11)

Grip furthermore marks the case of India as the first "tough" case for the EU's non-proliferation policy (2009: 11). Not only is India a vast emerging and heavily protected market, but also is it one of the only nine remaining states which has not ratified the CTBT; nor is India part of the NPT while being a nuclear power. As Grip points out, India is "[...] a controversial and high-profile case from the point of view of non-proliferation." (ibid.). Accordingly, the question of why the EU has not managed to push the issue of non-proliferation in the FTA negotiations arises:

The course of the FTA negotiations with India has given rise to speculation that the EU has, in the interests of trade, abandoned its principle that all new cooperation arrangements with third countries must be tied to non-proliferation commitments when dealing with its first difficult case. (Grip 2009: 11)

These points being taken, it is sensible to return to the theoretical discussion of this thesis. As the deliberations above have shown, we note that the EU is selectively including the non-proliferation clause in various differing formulations in bilateral mixed agreements. While numerous cases exist in which the non-proliferation clause has been included in mixed agreements and served as a successful policy measure for a rapprochement of a number of states towards the international non-proliferation regime, the case of India shows that double standards from the side of the EU may exist. As Quille points out,

[t]he introduction of non-proliferation clauses in mixed agreements with third states is an indication that the policy area is being taken seriously by the European Union in support of its new security and non-proliferation strategies. However, the challenge remains in applying the clause consistently and deciding in advance which states merit the full clause or just the essential element. This will raise questions about the European Union's standards in its relations with certain countries and not others. (Quille 2005: 5)

In the following, the findings from the case study on the EU's non-proliferation actions towards India will be applied onto the theory testing exercise. Although the EU accounts for normative foreign policy goals and means, its inconsistency in non-proliferation actions can be exemplified through the exclusion of an adequate formulation of the non-proliferation clause in two bilateral agreements with India. Neither the JAP, nor the FTA demand even elementary commitments of India to engage itself in the international non-proliferation regime. As will be argued in the following chapter, the EU's conscious decision not to include the non-proliferation clause in a regional context with a high proliferation risk inevitably undermine the recognition of the EU's role as an actor in the international non-proliferation regime. Furthermore, by means of these findings, a refutation of Manners' theoretical concept of NPE in the specific foreign policy area of non-proliferation will take place.



### **5.3. The EU's inconsistency as an actor in the international non-proliferation regime and its implications for the notion of 'Normative Power Europe'**

The findings from the case study suggest that the EU is not a coherent normative foreign policy actor in the policy field of non-proliferation. As has been argued in chapters 4.2. - 4.4., the EU accounts for a normative foundation which poses the basis of its non-proliferation policies: the *EU's normative foreign policy goals and means* in the area of non-proliferation are oriented towards achieving milieu goals in the same policy area. The unconditional support of the international non-proliferation regimes under the auspices of the UN, various self-formulated action plans as well as applicable policy measures and tools, which aim to approximate third states towards the international non-proliferation regimes, attest to the existence of the EU's milieu goals. Accordingly, the EU accounts for a solid and convincing initial basis for policy action in the policy field of non-proliferation. However, according to Tocci's analytical framework on who can be regarded as a normative foreign policy actor, the *normative foreign policy impact* of a given actor must conform to the *normative foreign policy goals and means*. As has been discussed above in the case study of chapter 5.2., the EU's inconsistency in coherently applying the non-proliferation clause in mixed bilateral agreements causes unease among EU policy-makers. It furthermore induces scholarly criticism on the EU's actorness in the policy field of non-proliferation. Connected to this, the research of this thesis aimed to discuss the implications of the findings on the EU's inconsistency as a non-proliferation actor for IR theory on the EU.

In the following namely, the results from the case study will be aligned to the theoretical framework of Normative Power Europe, as depicted in chapter 2.1.. A subsumption towards the explanatory power of NPE is necessary, as the findings from the case study have shown. While the EU may be considered a foreign policy actor *of its own kind* due to its specific institutional and ideational setup, it will be argued that in the conduct of foreign policy the EU can be considered a *normal actor*.

In the centre of the theoretical treatise on NPE stands the notion that the EU bases its foreign policy on its norms and values, and that it aims to project these onto third states. In Manners' perspective on the EU's actorness in external relations, the EU's actions do neither relate to thinking in Westphalian terms of nation state interest, nor to a Weberian conception of A) being able to make B) what he or she would otherwise not have done. It is again noted that in Manners' understanding of the EU, it "[...] has evolved into a hybrid of supranational and international forms of governance which transcends Westphalian norms." (Manners 2002: 240; ref. to: King 1999: 313). On this note, it is not sensible to compare the foreign policy actions of the EU with the ones of state actors. The research of this thesis has consciously avoided this possible research perspective on comparing the

EU with state actors. Instead, it has concentrated on the actual policy actions, as suggested by Diez, in order to gain a broader understanding of the EU's actions in a specific policy area (2005: 616). Following the research perspective which exclusively sets its focus on the *goals, means* and *impacts* of foreign policy actions of the EU in the field of non-proliferation, we must note that the EU is not coherently applying its normative reasoning when conducting foreign policy.

While the EU might be a different foreign policy actor than state actors, which pursues normatively defined milieu goals rather than possession goals, it is still embedded in the international political system and shares one environment with state actors. On this note, it is important to stress that having normative *foreign policy goals and means* is not enough to be a comprehensive normative foreign policy actor; having normative foreign policy goals e.g., is not an exclusive trait of the EU. In fact, most foreign policy actors refer to their own value- and norm-system in order to legitimate their actions. Instead, according to Tocci's view, a *truly normative foreign policy actor* must incorporate all three traits simultaneously: the goals, the means, as well as the impact. Only by following and insisting on the path of the consistent normative foreign policy actor, the EU could actually correspond to the tenets that NPE attribute towards the EU.

As the research of this thesis has shown, this is not the case in the policy field of non-proliferation. The selective manner in which the EU is formulating and including the non-proliferation clause in mixed bilateral agreements shows that role conflicts in the EU's role-set are likely to emerge. The most likely one in the case study of the EU's non-proliferation policy towards India is the conflict between the EU's roles as an economic, respectively as a non-proliferation actor. In other words, we note that within the limits of the case study, the EU has substituted its milieu goals related to non-proliferation with possession goals in form of a Free Trade Agreement with India. Instead of coherently including an adequate formulation of the non-proliferation clause which reflects the EU's milieu goals in the policy area, the clause gets either reformulated and mitigated, or completely excluded as the dataset and the case study have shown. This knowledge has been attained by means of the conducted case study.

In this respect, the findings from the case study must be regarded as crucial to the research outcome of the thesis. While the datasets compiled by Hertwig shows that the EU has included the non-proliferation clause in modified forms in various bilateral mixed agreements, only by means of the conducted case study the theory testing exercise of this thesis could take place.

The research of this thesis does not argue against the ideational power of norms; neither does this thesis aim to diminish the importance of the EU as an actor in the international political system.

Without norms connected to non-proliferation, the existent non-proliferation regime would have never come into being and an uncontrolled spread of WMD would have been unavoidable. However, conducting research on foreign policy outcome or impact<sup>29</sup> necessarily has to rely on policy actions of actors in the international political system. While the authors of this thesis agrees with Manners on the notion that the EU is in its setup something different than state actors, the restraints stemming from having to deal with other foreign policy actors limit the impact of EU policies. As has been argued in the treatise on Tocci, a foreign policy actor can only affect a foreign policy outcome in a limited way. The outcome or impact is dependent on time, context and other actors.

The specific arrangement of the international non-proliferation regime in connection to an internal role conflict necessitated the EU to make compromises in the formulation and inclusion of the non-proliferation clause in mixed agreements: this has lead to an inconsistency in the EU's role as a non-proliferation actor. This has been proven by both, the datasets compiled by Hertwig on a more general note, as well as by the conducted case study. However, as Whitman points out, being an "[i]nconsistent' normative power: [is] a real 'contradiction in terms' " (Whitman 2013: 182).

Accordingly, we state that in the specific policy field of non-proliferation of WMD and in the light of the case study of this thesis, the EU is not a consistent normative foreign policy actor: even more, in this specific policy field, the EU is not a normative power. To the same extent that Manners' research on NPE is valid in terms of the foreign policy impact in regard to the abolition of the death penalty, the research of this thesis has shown that in the policy field of non-proliferation, Manners' conception of NPE is not valid. The dataset compiled by Hertwig and the case study of the EU's non-proliferation policy towards India has sufficiently dismissed the notion of 'Normative Power Europe' in the chosen policy context. As Manners himself points out, case studies can verify or falsify the findings of research programmes connected to theory development. The test case of this thesis has falsified the notion of NPE in the chosen policy field; yet, more case studies concerning different policy fields may yet restate the explanatory power of NPE.

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<sup>29</sup> Even in terms of achieving milieu goals such as including more states into the international non-proliferation regime

## 6. CONCLUSIONS

This thesis is concluded by reviewing the research objectives, as outlined in chapters 1.1. and 1.2., against the background of the conducted research. The first and foremost research objective of this thesis was to test Manners' theory framework of NPE and whether it accounts for explanatory power in the context of the EU's actions in the policy area of non-proliferation.

In order to set an appropriate theoretical focus for the discussion of the research question, it was deemed necessary to depict a coherent and comprehensive overview of Manners' conception of NPE, as well as the current academic discourse on it. On this note, a discussion aimed to take place at which end a confirmation or refutation of theoretical tenets of NPE stood. In order to engage in the discussion of the research question and on NPE, a theoretical subsumption took place. Firstly, Tocci's analytical framework of how to depict a normative foreign policy actor helped to differ between the EU's normative foreign policy goals, means and impact. These were all discussed against the background of the EU's institutional development as a non-proliferation actor in the analytical part of this thesis. Secondly, role theory as depicted by Elgström helped to prepare the discussion on the specific actorness of the EU as a foreign policy actor, and more specifically, point out that the EU accounts for a role-set of different employable roles in the conduct of foreign affairs.

Given these auxiliary means for the theoretical discussion, an excursus into available methodology for discussing the research question took place. Due to the fact that Manners himself selected case study methodology for the depiction of NPE, the same methodological means were selected for this thesis, in order to verify or falsify NPE in a chosen policy field. According to Manners' methodology, conducting a single case study in a chosen policy field is a sufficient theory testing exercise. Nevertheless, a coherent and tailor-made research design had to be depicted with an in-depth composition of the case study and its classification into the EU's foreign affairs. The discussion on case study methodology and the research design is heavily aligned towards George's and Bennett's volume on *Case Study and Theory Development* from 2005.

Subsequent to the methodological outline of this thesis, a contextualisation of the existent international legal framework on non-proliferation, the institutional development of the EU as a foreign policy and non-proliferation actor, as well as the EU's formulation of policy goals and means in non-proliferation took place. These elaborations were necessary in order to approach the case study of this thesis and thus the analytical discussion on the actorness of the EU as a non-proliferation actor. More specifically, an international non-proliferation regime against WMD and their deployment exists under the auspices of the UN. Furthermore, the specific institutional outline of the EU's

non-proliferation policy formulations and measures, among which the non-proliferation clause can be found, was illustrated. While the various international treaties within the regime vary in their arrangement, they nevertheless depict the most universalised basis of coordinated action against the spread of WMD. This outline is crucially important for the analytical discussion of this thesis, as the EU unconditionally binds its non-proliferation efforts to the existent international non-proliferation regime.

A coherent research framework stood at the end of these elaborations, which included all necessary theoretical tenets for discussing normative foreign policy as well as a delineation of the institutional development and current setup of the EU in non-proliferation policy. This research framework initiated the analysis of the specific actorness of the EU in the chosen policy field. Like any other foreign policy actor, the EU accounts for a specific role set of available roles in foreign policy. Depending on context and time, a foreign policy actor may choose to employ on or another role. These roles are often based on a normative foundation and a related rationale in planning policies. However, due to the complexity of foreign affairs with its unmanageable multiplicity of actors and their respective diverging opinions, role conflicts within the role set of a given foreign policy actor are frequent. Although an actor may base its foreign policy formulations and goals on its own norms and values, the conduct of foreign policy often leads to an inconsistency between goals, actions and impact, as argued by Tocci. Accordingly, while the EU is different from other foreign policy actors in its institutional setup, it still shares the same environment with them and most importantly, it has to deal with them.

Subsequently to the outline of the research framework, the actual case study and thereby the theory testing exercise of this thesis took place. By means of a dataset of the EU's implementation and exclusion of the non-proliferation clause, as well as the case-study of the EU's non-proliferation policy towards India, Manners' theoretical notion of NPE was refuted in the specific policy area of non-proliferation, *in the light of the conducted case study*. The EU's actual and conscious decision to deal with other actors in the policy field of non-proliferation has lead to an ambiguous track-record. As the discussion of the provided dataset by Hertwig has shown, the EU included its non-proliferation clause in a very distinct manner. Initially, the clause was meant to be included in *all* mixed bilateral agreements. Nevertheless, we note that not only does the specific formulation of the clause diverge in different mixed bilateral agreements, but also does the EU exclude the clause depending on the negotiation process with a third state. The research of this thesis suggests that the decision of the EU to exclude the non-proliferation clause in mixed agreements with India is due to

a role conflict within the EU. The fact that the EU pulled through a Free Trade Agreement with India without including the clause supports this assumption.

Accordingly, the research of this thesis posits the following: while the EU is an integrated foreign policy and non-proliferation actor, whose normative foundation corresponds with its available policy tools and means, it is not consistently adhering to its self-chosen standards and goals. Given the case of India, which is a crucial test case in terms non-proliferation due to its refusal to take part in the international non-proliferation regime<sup>30</sup>, short term possession goals were chosen. In this respect, we state that the EU is not a coherent normative foreign policy actor in the policy area of non-proliferation; correspondingly, we state that the EU is not a normative power in non-proliferation.

As has been argued above, the research of this thesis fully endorses the initial research focus of Manners' on the EU as a foreign policy actor. Due to the fact that the EU is not a state actor, we note that it requires a specific research perspective. The EU does not only differ from nation states in its institutional setup. Even more, it accounts for normative foreign policy means which correspond with its normative foreign policy goals. While the research of this thesis does not compare the EU to other state actors, the examination of the EU's track record in non-proliferation policy nevertheless suggests that the EU is no different than other policy actors in the same field. To the same extent that role conflicts take place within the role sets of nation states, they also take place within the EU's role set. In the case of the EU's non-proliferation policy and in the light of the selected case study, Manners' theoretical conception of NPE has been refuted.

To the same extent that these findings are valid for the policy field of non-proliferation, the picture might look quite different in other policy areas. Accordingly, an extensive research programme which would conduct case studies in different policy areas is desirable. Only on this note, a far-ranging understanding of the relation between the EU's norms and its policy actions can emerge.

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<sup>30</sup> e.g. through including more state actors into the regime

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*Anyway, I'm sort of glad they've got the atomic bomb invented.  
If there's ever another war, I'm going to sit right the hell on  
top of it. I'll volunteer for it, I swear to God I will.*  
- Jerome David Salinger, *The catcher in the rye*, 1951, chapter 18